

1 AN ACT concerning criminal law.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 10. The Health Care Worker Background Check Act is
5 amended by changing Section 25 as follows:

6 (225 ILCS 46/25)

7 Sec. 25. Persons ineligible to be hired by health care
8 employers and long-term care facilities.

9 (a) In the discretion of the Director of Public Health, as
10 soon after January 1, 1996, January 1, 1997, January 1, 2006,
11 or October 1, 2007, as applicable, and as is reasonably
12 practical, no health care employer shall knowingly hire,
13 employ, or retain any individual in a position with duties
14 involving direct care for clients, patients, or residents, and
15 no long-term care facility shall knowingly hire, employ, or
16 retain any individual in a position with duties that involve or
17 may involve contact with residents or access to the living
18 quarters or the financial, medical, or personal records of
19 residents, who has been convicted of committing or attempting
20 to commit one or more of the following offenses: those defined
21 in Sections 8-1(b), 8-1.1, 8-1.2, 9-1, 9-1.2, 9-2, 9-2.1, 9-3,
22 9-3.1, 9-3.2, 9-3.3, 9-3.4, 10-1, 10-2, 10-3, 10-3.1, 10-4,
23 10-5, 10-7, 11-6, 11-9.1, 11-9.5, 11-19.2, 11-20.1, 12-1, 12-2,

1 12-3, 12-3.1, 12-3.2, 12-4, 12-4.1, 12-4.2, 12-4.3, 12-4.4,
2 12-4.5, 12-4.6, 12-4.7, 12-7.4, 12-11, 12-13, 12-14, 12-14.1,
3 12-15, 12-16, 12-19, 12-21, 12-21.6, 12-32, 12-33, 16-1,
4 16-1.3, 16A-3, 17-3, 18-1, 18-2, 18-3, 18-4, 18-5, 19-1, 19-3,
5 19-4, 20-1, 20-1.1, 24-1, 24-1.2, 24-1.5, or 33A-2 of the
6 Criminal Code of 1961; those provided in Section 4 of the
7 Wrongs to Children Act; those provided in Section 53 of the
8 Criminal Jurisprudence Act; those defined in Section 5, 5.1,
9 5.2, 7, or 9 of the Cannabis Control Act; those defined in the
10 Methamphetamine Control and Community Protection Act; or those
11 defined in Sections 401, 401.1, 404, 405, 405.1, 407, or 407.1
12 of the Illinois Controlled Substances Act, unless the applicant
13 or employee obtains a waiver pursuant to Section 40.

14 (a-1) In the discretion of the Director of Public Health,
15 as soon after January 1, 2004 or October 1, 2007, as
16 applicable, and as is reasonably practical, no health care
17 employer shall knowingly hire any individual in a position with
18 duties involving direct care for clients, patients, or
19 residents, and no long-term care facility shall knowingly hire
20 any individual in a position with duties that involve or may
21 involve contact with residents or access to the living quarters
22 or the financial, medical, or personal records of residents,
23 who has (i) been convicted of committing or attempting to
24 commit one or more of the offenses defined in Section 12-3.3,
25 12-4.2-5, 16-2, 16G-15, 16G-20, 18-5, 20-1.2, 24-1.1,
26 24-1.2-5, 24-1.6, 24-3.2, or 24-3.3 of the Criminal Code of

1 1961; Section 4, 5, 6, 8, or 17.02 of the Illinois Credit Card
2 and Debit Card Act; or Section 5.1 of the Wrongs to Children
3 Act; or (ii) violated Section 50-50 of the Nurse Practice Act,
4 unless the applicant or employee obtains a waiver pursuant to
5 Section 40 of this Act.

6 A health care employer is not required to retain an
7 individual in a position with duties involving direct care for
8 clients, patients, or residents, and no long-term care facility
9 is required to retain an individual in a position with duties
10 that involve or may involve contact with residents or access to
11 the living quarters or the financial, medical, or personal
12 records of residents, who has been convicted of committing or
13 attempting to commit one or more of the offenses enumerated in
14 this subsection.

15 (b) A health care employer shall not hire, employ, or
16 retain any individual in a position with duties involving
17 direct care of clients, patients, or residents, and no
18 long-term care facility shall knowingly hire, employ, or retain
19 any individual in a position with duties that involve or may
20 involve contact with residents or access to the living quarters
21 or the financial, medical, or personal records of residents, if
22 the health care employer becomes aware that the individual has
23 been convicted in another state of committing or attempting to
24 commit an offense that has the same or similar elements as an
25 offense listed in subsection (a) or (a-1), as verified by court
26 records, records from a state agency, or an FBI criminal

1 history record check, unless the applicant or employee obtains
2 a waiver pursuant to Section 40 of this Act. This shall not be
3 construed to mean that a health care employer has an obligation
4 to conduct a criminal history records check in other states in
5 which an employee has resided.

6 (Source: P.A. 94-556, eff. 9-11-05; 94-665, eff. 1-1-06;
7 94-1053, eff. 7-24-06; 95-120, eff. 8-13-07; 95-639, eff.
8 10-5-07; 95-876, eff. 8-21-08.)

9 Section 25. The Criminal Code of 1961 is amended by
10 changing Sections 3-4, 4-5, 4-6, 4-7, 5-2, 7-11, 8-1, 8-1.2,
11 8-2, 8-4, 9-1, 9-2, 10-1, 10-2, 10-3, 10-3.1, 10-5, 10-5.5,
12 10-7, 11-9.3, 11-9.4, 25-1, 29B-1, 29D-25, 29D-35, and 36-1, by
13 amending and renumbering Sections 9-3.1 (as 9-3.4), 25-1.1 (as
14 25-5), 25-2 (as 25-6), 29D-30 (as 29D-14.9), 20.5-5 (as
15 29D-15.1), 20.5-6 (as 29D-15.2), and 29D-15 (as 29D-29.9), and
16 by adding Sections 10-9, 25-4, and 29D-35.1 as follows:

17 (720 ILCS 5/3-4) (from Ch. 38, par. 3-4)

18 Sec. 3-4. Effect of former prosecution.

19 (a) A prosecution is barred if the defendant was formerly
20 prosecuted for the same offense, based upon the same facts, if
21 that ~~such~~ former prosecution:

22 (1) resulted ~~Resulted~~ in either a conviction or an
23 acquittal or in a determination that the evidence was
24 insufficient to warrant a conviction; ~~or~~

1 (2) was ~~Was~~ terminated by a final order or judgment,
2 even if entered before trial, that ~~which~~ required a
3 determination inconsistent with any fact or legal
4 proposition necessary to a conviction in the subsequent
5 prosecution; or

6 (3) was ~~Was~~ terminated improperly after the jury was
7 impaneled and sworn or, in a trial before a court without a
8 jury, after the first witness was sworn but before findings
9 were rendered by the trier of facts, or after a plea of
10 guilty was accepted by the court.

11 A conviction of an included offense, other than through a
12 plea of guilty, is an acquittal of the offense charged.

13 (b) A prosecution is barred if the defendant was formerly
14 prosecuted for a different offense, or for the same offense
15 based upon different facts, if that ~~such~~ former prosecution:

16 (1) resulted ~~Resulted~~ in either a conviction or an
17 acquittal, and the subsequent prosecution is for an offense
18 of which the defendant could have been convicted on the
19 former prosecution; or was for an offense with which the
20 defendant should have been charged on the former
21 prosecution, as provided in Section 3-3 of this Code
22 (unless the court ordered a separate trial of that ~~such~~
23 charge); or was for an offense that ~~which~~ involves the same
24 conduct, unless each prosecution requires proof of a fact
25 not required on the other prosecution, or the offense was
26 not consummated when the former trial began; ~~or~~

1 (2) was ~~Was~~ terminated by a final order or judgment,
2 even if entered before trial, that ~~which~~ required a
3 determination inconsistent with any fact necessary to a
4 conviction in the subsequent prosecution; or

5 (3) was ~~Was~~ terminated improperly under the
6 circumstances stated in subsection ~~Subsection~~ (a), and the
7 subsequent prosecution is for an offense of which the
8 defendant could have been convicted if the former
9 prosecution had not been terminated improperly.

10 (c) A prosecution is barred if the defendant was formerly
11 prosecuted in a District Court of the United States or in a
12 sister state ~~State~~ for an offense that ~~which~~ is within the
13 concurrent jurisdiction of this State, if that ~~such~~ former
14 prosecution:

15 (1) resulted ~~Resulted~~ in either a conviction or an
16 acquittal, and the subsequent prosecution is for the same
17 conduct, unless each prosecution requires proof of a fact
18 not required in the other prosecution, or the offense was
19 not consummated when the former trial began; or

20 (2) was ~~Was~~ terminated by a final order or judgment,
21 even if entered before trial, that ~~which~~ required a
22 determination inconsistent with any fact necessary to a
23 conviction in the prosecution in this State.

24 (d) A ~~However,~~ a prosecution is not barred within the
25 meaning of this Section 3-4, however, if the former
26 prosecution:

1 (1) was ~~was~~ before a court that ~~which~~ lacked
2 jurisdiction over the defendant or the offense; or

3 (2) was ~~was~~ procured by the defendant without the
4 knowledge of the proper prosecuting officer, and with the
5 purpose of avoiding the sentence that ~~which~~ otherwise might
6 be imposed; or if subsequent proceedings resulted in the
7 invalidation, setting aside, reversal, or vacating of the
8 conviction, unless the defendant was thereby adjudged not
9 guilty.

10 (Source: Laws 1961, p. 1983.)

11 (720 ILCS 5/4-5) (from Ch. 38, par. 4-5)

12 Sec. 4-5. Knowledge. A person knows, or acts knowingly or
13 with knowledge of:

14 (a) The nature or attendant circumstances of his or her
15 conduct, described by the statute defining the offense,
16 when he or she is consciously aware that his or her conduct
17 is of that ~~such~~ nature or that those ~~such~~ circumstances
18 exist. Knowledge of a material fact includes awareness of
19 the substantial probability that the ~~such~~ fact exists.

20 (b) The result of his or her conduct, described by the
21 statute defining the offense, when he or she is consciously
22 aware that that ~~such~~ result is practically certain to be
23 caused by his conduct.

24 Conduct performed knowingly or with knowledge is performed
25 wilfully, within the meaning of a statute using the ~~latter~~ term

1 "willfully", unless the statute clearly requires another
2 meaning.

3 When the law provides that acting knowingly suffices to
4 establish an element of an offense, that element also is
5 established if a person acts intentionally.

6 (Source: Laws 1961, p. 1983.)

7 (720 ILCS 5/4-6) (from Ch. 38, par. 4-6)

8 Sec. 4-6. Recklessness. A person is reckless or acts
9 recklessly, when that person ~~he~~ consciously disregards a
10 substantial and unjustifiable risk that circumstances exist or
11 that a result will follow, described by the statute defining
12 the offense, ~~and~~ and that ~~such~~ disregard constitutes a gross
13 deviation from the standard of care that ~~which~~ a reasonable
14 person would exercise in the situation. An act performed
15 recklessly is performed wantonly, within the meaning of a
16 statute using the ~~latter~~ term "wantonly", unless the statute
17 clearly requires another meaning.

18 (Source: Laws 1961, p. 1983.)

19 (720 ILCS 5/4-7) (from Ch. 38, par. 4-7)

20 Sec. 4-7. Negligence. A person is negligent, or acts
21 negligently, when that person ~~he~~ fails to be aware of a
22 substantial and unjustifiable risk that circumstances exist or
23 a result will follow, described by the statute defining the
24 offense, ~~and~~ and that ~~such~~ failure constitutes a substantial

1 deviation from the standard of care that ~~which~~ a reasonable
2 person would exercise in the situation.

3 (Source: Laws 1961, p. 1983.)

4 (720 ILCS 5/5-2) (from Ch. 38, par. 5-2)

5 Sec. 5-2. When accountability exists. A person is legally
6 accountable for the conduct of another when:

7 (a) having ~~Having~~ a mental state described by the statute
8 defining the offense, he or she causes another to perform the
9 conduct, and the other person in fact or by reason of legal
10 incapacity lacks such a mental state; ~~or~~

11 (b) the ~~The~~ statute defining the offense makes him or her
12 so accountable; or

13 (c) either ~~Either~~ before or during the commission of an
14 offense, and with the intent to promote or facilitate that ~~such~~
15 commission, he or she solicits, aids, abets, agrees, or
16 attempts to aid that, ~~such~~ other person in the planning or
17 commission of the offense.

18 When 2 or more persons engage in a common criminal design
19 or agreement, any acts in the furtherance of that common design
20 committed by one party are considered to be the acts of all
21 parties to the common design or agreement and all are equally
22 responsible for the consequences of those further acts. Mere
23 presence at the scene of a crime does not render a person
24 accountable for an offense; a person's presence at the scene of
25 a crime, however, may be considered with other circumstances by

1 the trier of fact when determining accountability.

2 A ~~However,~~ a person is not so accountable, however, unless
3 the statute defining the offense provides otherwise, if:

4 (1) he or she ~~He~~ is a victim of the offense committed;

5 ~~or~~

6 (2) the ~~The~~ offense is so defined that his or her
7 conduct was inevitably incident to its commission; or

8 (3) before ~~Before~~ the commission of the offense, he or
9 she terminates his or her effort to promote or facilitate
10 that ~~such~~ commission, and does one of the following: (i)
11 wholly deprives his or her prior efforts of effectiveness
12 in that ~~such~~ commission, (ii) ~~or~~ gives timely warning to
13 the proper law enforcement authorities, or (iii) otherwise
14 makes proper effort to prevent the commission of the
15 offense.

16 (Source: Laws 1961, p. 1983.)

17 (720 ILCS 5/7-11) (from Ch. 38, par. 7-11)

18 Sec. 7-11. Compulsion.

19 (a) A person is not guilty of an offense, other than an
20 offense punishable with death, by reason of conduct that ~~which~~
21 he or she performs under the compulsion of threat or menace of
22 the imminent infliction of death or great bodily harm, if he or
23 she reasonably believes death or great bodily harm will be
24 inflicted upon him or her, or upon his or her spouse or child,
25 if he or she does not perform that ~~such~~ conduct.

1 (b) A married woman is not entitled, by reason of the
2 presence of her husband, to any presumption of compulsion~~7~~ or
3 to any defense of compulsion~~1~~, except that stated in subsection
4 ~~Subsection~~ (a).

5 (Source: Laws 1961, p. 1983.)

6 (720 ILCS 5/8-1) (from Ch. 38, par. 8-1)

7 Sec. 8-1. Solicitation and solicitation of murder.

8 (a) Solicitation ~~Elements of the offense~~. A person commits
9 the offense of solicitation when, with intent that an offense
10 be committed, other than first degree murder, he or she
11 commands, encourages~~1~~, or requests another to commit that
12 offense.

13 (b) Solicitation of murder. A person commits the offense of
14 solicitation of murder when he or she commits solicitation with
15 the intent that the offense of first degree murder be
16 committed.

17 (c) Sentence ~~(b) Penalty~~. A person convicted of
18 solicitation may be fined or imprisoned or both not to exceed
19 the maximum provided for the offense solicited, except that~~+~~
20 ~~Provided, however,~~ the penalty shall not exceed the
21 corresponding maximum limit provided by subparagraph (c) of
22 Section 8-4 of this Code Act, ~~as heretofore and hereafter~~
23 ~~amended~~. Solicitation of murder is a Class X felony, and a
24 person convicted of solicitation of murder shall be sentenced
25 to a term of imprisonment of not less than 15 years and not

1 more than 30 years, except that a person convicted of
2 solicitation of murder when the person solicited was a person
3 under the age of 17 years shall be sentenced to a term of
4 imprisonment of not less than 20 years and not more than 60
5 years.

6 (Source: P.A. 85-1030.)

7 (720 ILCS 5/8-1.2) (from Ch. 38, par. 8-1.2)

8 Sec. 8-1.2. Solicitation of murder ~~Murder~~ for hire ~~Hire~~.

9 (a) A person commits the offense of solicitation of murder
10 for hire when, with the intent that the offense of first degree
11 murder be committed, he or she procures another to commit that
12 offense pursuant to any contract, agreement, understanding,
13 command, or request for money or anything of value.

14 (b) Sentence ~~Penalty~~. Solicitation of murder for hire is a
15 Class X felony, and a person convicted of solicitation of
16 murder for hire shall be sentenced to a term of imprisonment of
17 not less than 20 years and not more than 40 years, except that
18 a person convicted of solicitation of murder for hire when the
19 person solicited was a person under the age of 17 years shall
20 be sentenced to a term of imprisonment of not less than 25
21 years and not more than 60 years.

22 (Source: P.A. 85-1003; 85-1030; 85-1440.)

23 (720 ILCS 5/8-2) (from Ch. 38, par. 8-2)

24 Sec. 8-2. Conspiracy.

1 (a) Elements of the offense. A person commits the offense
2 of conspiracy when, with intent that an offense be committed,
3 he or she agrees with another to the commission of that
4 offense. No person may be convicted of conspiracy to commit an
5 offense unless an act in furtherance of that ~~such~~ agreement is
6 alleged and proved to have been committed by him or her or by a
7 co-conspirator.

8 (b) Co-conspirators. It is ~~shall~~ not ~~be~~ a defense to
9 conspiracy that the person or persons with whom the accused is
10 alleged to have conspired:

- 11 (1) have ~~Has~~ not been prosecuted or convicted, ~~or~~
12 (2) have ~~Has~~ been convicted of a different offense, ~~or~~
13 (3) are ~~is~~ not amenable to justice, ~~or~~
14 (4) have ~~Has~~ been acquitted, or
15 (5) lacked ~~Lacked~~ the capacity to commit an offense.

16 (c) Sentence.

17 (1) Except as otherwise provided in this subsection or
18 Code, a person convicted of conspiracy to commit:

19 (A) a Class X felony shall be sentenced for a Class
20 1 felony;

21 (B) a Class 1 felony shall be sentenced for a Class
22 2 felony;

23 (C) a Class 2 felony shall be sentenced for a Class
24 3 felony;

25 (D) a Class 3 felony shall be sentenced for a Class
26 4 felony;

1 (E) a Class 4 felony shall be sentenced for a Class
2 4 felony; and

3 (F) a misdemeanor may be fined or imprisoned or
4 both not to exceed the maximum provided for the offense
5 that is the object of the conspiracy.

6 (2) A person convicted of conspiracy to commit any of
7 the following offenses shall be sentenced for a Class X
8 felony:

9 (A) aggravated insurance fraud conspiracy when the
10 person is an organizer of the conspiracy (720 ILCS
11 5/46-4); or

12 (B) aggravated governmental entity insurance fraud
13 conspiracy when the person is an organizer of the
14 conspiracy (720 ILCS 5/46-4).

15 (3) A person convicted of conspiracy to commit any of
16 the following offenses shall be sentenced for a Class 1
17 felony:

18 (A) first degree murder (720 ILCS 5/9-1); or

19 (B) aggravated insurance fraud (720 ILCS 5/46-3)
20 or aggravated governmental insurance fraud (720 ILCS
21 5/46-3).

22 (4) A person convicted of conspiracy to commit
23 insurance fraud (720 ILCS 5/46-3) or governmental entity
24 insurance fraud (720 ILCS 5/46-3) shall be sentenced for a
25 Class 2 felony.

26 (5) A person convicted of conspiracy to commit any of

1 the following offenses shall be sentenced for a Class 3
2 felony:

3 (A) soliciting for a prostitute (720 ILCS
4 5/11-15);

5 (B) pandering (720 ILCS 5/11-16);

6 (C) keeping a place of prostitution (720 ILCS
7 5/11-17);

8 (D) pimping (720 ILCS 5/11-19);

9 (E) unlawful use of weapons under Section
10 24-1(a)(1) (720 ILCS 5/24-1(a)(1));

11 (F) unlawful use of weapons under Section
12 24-1(a)(7) (720 ILCS 5/24-1(a)(7));

13 (G) gambling (720 ILCS 5/28-1);

14 (H) keeping a gambling place (720 ILCS 5/28-3);

15 (I) registration of federal gambling stamps
16 violation (720 ILCS 5/28-4);

17 (J) look-alike substances violation (720 ILCS
18 570/404);

19 (K) miscellaneous controlled substance violation
20 under Section 406(b) (720 ILCS 570/406(b)); or

21 (L) an inchoate offense related to any of the
22 principal offenses set forth in this item (5).

23 ~~A person convicted of conspiracy may be fined or imprisoned~~
24 ~~or both not to exceed the maximum provided for the offense~~
25 ~~which is the object of the conspiracy, except that if the~~
26 ~~object is an offense prohibited by Sections 11-15, 11-16,~~

1 ~~11-17, 11-19, 24-1(a)(1), 24-1(a)(7), 28-1, 28-3 and 28-4 of~~
2 ~~the "Criminal Code of 1961", approved July 28, 1961, as~~
3 ~~amended, or prohibited by Sections 404 or 406 (b) of the~~
4 ~~"Illinois Controlled Substances Act", enacted by the 77th~~
5 ~~General Assembly, or an inchoate offense related to any of the~~
6 ~~aforesaid principal offenses, the person convicted may be~~
7 ~~sentenced for a Class 3 felony however, conspiracy to commit~~
8 ~~treason, first degree murder, aggravated kidnapping,~~
9 ~~aggravated criminal sexual assault, or predatory criminal~~
10 ~~sexual assault of a child is a Class 1 felony, and conspiracy~~
11 ~~to commit any offense other than those specified in this~~
12 ~~subsection, and other than those set forth in Sections 401,~~
13 ~~402, or 407 of the Illinois Controlled Substances Act, shall~~
14 ~~not be sentenced in excess of a Class 4 felony.~~

15 (Source: P.A. 94-184, eff. 7-12-05.)

16 (720 ILCS 5/8-4) (from Ch. 38, par. 8-4)

17 Sec. 8-4. Attempt.

18 (a) Elements of the offense ~~Offense~~.

19 A person commits the offense of ~~an~~ attempt when, with
20 intent to commit a specific offense, he or she does any act
21 that ~~which~~ constitutes a substantial step toward the commission
22 of that offense.

23 (b) Impossibility.

24 It is ~~shall~~ not ~~be~~ a defense to a charge of attempt that
25 because of a misapprehension of the circumstances it would have

1 been impossible for the accused to commit the offense
2 attempted.

3 (c) Sentence.

4 A person convicted of ~~an~~ attempt may be fined or imprisoned
5 or both not to exceed the maximum provided for the offense
6 attempted but, except for an attempt to commit the offense
7 defined in Section 33A-2 of this Code: Act,

8 (1) the sentence for attempt to commit first degree
9 murder is the sentence for a Class X felony, except that

10 (A) an attempt to commit first degree murder when
11 at least one of the aggravating factors specified in
12 paragraphs (1), (2), 4 and (12) of subsection (b) of
13 Section 9-1 is present is a Class X felony for which
14 the sentence shall be a term of imprisonment of not
15 less than 20 years and not more than 80 years;

16 (B) an attempt to commit first degree murder while
17 armed with a firearm is a Class X felony for which 15
18 years shall be added to the term of imprisonment
19 imposed by the court;

20 (C) an attempt to commit first degree murder during
21 which the person personally discharged a firearm is a
22 Class X felony for which 20 years shall be added to the
23 term of imprisonment imposed by the court;

24 (D) an attempt to commit first degree murder during
25 which the person personally discharged a firearm that
26 proximately caused great bodily harm, permanent

1 disability, permanent disfigurement, or death to
2 another person~~;~~ is a Class X felony for which 25 years
3 or up to a term of natural life shall be added to the
4 term of imprisonment imposed by the court; and~~;~~

5 (E) if the defendant proves by a preponderance of
6 the evidence at sentencing that, at the time of the
7 attempted murder, he or she was acting under a sudden
8 and intense passion resulting from serious provocation
9 by the individual whom the defendant endeavored to
10 kill, or another, and, had the individual the defendant
11 endeavored to kill died, the defendant would have
12 negligently or accidentally caused that death, then
13 the sentence for the attempted murder is the sentence
14 for a Class 1 felony;

15 (2) the sentence for attempt to commit a Class X felony
16 is the sentence for a Class 1 felony;

17 (3) the sentence for attempt to commit a Class 1 felony
18 is the sentence for a Class 2 felony;

19 (4) the sentence for attempt to commit a Class 2 felony
20 is the sentence for a Class 3 felony; and

21 (5) the sentence for attempt to commit any felony other
22 than those specified in items ~~subsections~~ (1), (2), (3),
23 and (4) of this subsection (c) hereof ~~hereof~~ is the sentence for a
24 Class A misdemeanor.

25 (Source: P.A. 91-404, eff. 1-1-00; 91-696, eff. 4-13-00.)

1 (720 ILCS 5/9-1) (from Ch. 38, par. 9-1)

2 Sec. 9-1. First degree Murder - Death penalties -
3 Exceptions - Separate Hearings - Proof - Findings - Appellate
4 procedures - Reversals.

5 (a) A person who kills an individual without lawful
6 justification commits first degree murder if, in performing the
7 acts which cause the death:

8 (1) he either intends to kill or do great bodily harm
9 to that individual or another, or knows that such acts will
10 cause death to that individual or another; or

11 (2) he knows that such acts create a strong probability
12 of death or great bodily harm to that individual or
13 another; or

14 (3) he is attempting or committing a forcible felony
15 other than second degree murder.

16 (b) Aggravating Factors. A defendant who at the time of the
17 commission of the offense has attained the age of 18 or more
18 and who has been found guilty of first degree murder may be
19 sentenced to death if:

20 (1) the murdered individual was a peace officer or
21 fireman killed in the course of performing his official
22 duties, to prevent the performance of his official duties,
23 or in retaliation for performing his official duties, and
24 the defendant knew or should have known that the murdered
25 individual was a peace officer or fireman; or

26 (2) the murdered individual was an employee of an

1 institution or facility of the Department of Corrections,
2 or any similar local correctional agency, killed in the
3 course of performing his official duties, to prevent the
4 performance of his official duties, or in retaliation for
5 performing his official duties, or the murdered individual
6 was an inmate at such institution or facility and was
7 killed on the grounds thereof, or the murdered individual
8 was otherwise present in such institution or facility with
9 the knowledge and approval of the chief administrative
10 officer thereof; or

11 (3) the defendant has been convicted of murdering two
12 or more individuals under subsection (a) of this Section or
13 under any law of the United States or of any state which is
14 substantially similar to subsection (a) of this Section
15 regardless of whether the deaths occurred as the result of
16 the same act or of several related or unrelated acts so
17 long as the deaths were the result of either an intent to
18 kill more than one person or of separate acts which the
19 defendant knew would cause death or create a strong
20 probability of death or great bodily harm to the murdered
21 individual or another; or

22 (4) the murdered individual was killed as a result of
23 the hijacking of an airplane, train, ship, bus or other
24 public conveyance; or

25 (5) the defendant committed the murder pursuant to a
26 contract, agreement or understanding by which he was to

1 receive money or anything of value in return for committing
2 the murder or procured another to commit the murder for
3 money or anything of value; or

4 (6) the murdered individual was killed in the course of
5 another felony if:

6 (a) the murdered individual:

7 (i) was actually killed by the defendant, or

8 (ii) received physical injuries personally
9 inflicted by the defendant substantially
10 contemporaneously with physical injuries caused by
11 one or more persons for whose conduct the defendant
12 is legally accountable under Section 5-2 of this
13 Code, and the physical injuries inflicted by
14 either the defendant or the other person or persons
15 for whose conduct he is legally accountable caused
16 the death of the murdered individual; and

17 (b) in performing the acts which caused the death
18 of the murdered individual or which resulted in
19 physical injuries personally inflicted by the
20 defendant on the murdered individual under the
21 circumstances of subdivision (ii) of subparagraph (a)
22 of paragraph (6) of subsection (b) of this Section, the
23 defendant acted with the intent to kill the murdered
24 individual or with the knowledge that his acts created
25 a strong probability of death or great bodily harm to
26 the murdered individual or another; and

1 (c) the other felony was an inherently violent
2 crime or the attempt to commit an inherently violent
3 crime. In this subparagraph (c), "inherently violent
4 crime" includes, but is not limited to, armed robbery,
5 robbery, predatory criminal sexual assault of a child,
6 aggravated criminal sexual assault, aggravated
7 kidnapping, aggravated vehicular hijacking, aggravated
8 arson, aggravated stalking, residential burglary, and
9 home invasion; or

10 (7) the murdered individual was under 12 years of age
11 and the death resulted from exceptionally brutal or heinous
12 behavior indicative of wanton cruelty; or

13 (8) the defendant committed the murder with intent to
14 prevent the murdered individual from testifying or
15 participating in any criminal investigation or prosecution
16 or giving material assistance to the State in any
17 investigation or prosecution, either against the defendant
18 or another; or the defendant committed the murder because
19 the murdered individual was a witness in any prosecution or
20 gave material assistance to the State in any investigation
21 or prosecution, either against the defendant or another;
22 for purposes of this paragraph (8), "participating in any
23 criminal investigation or prosecution" is intended to
24 include those appearing in the proceedings in any capacity
25 such as trial judges, prosecutors, defense attorneys,
26 investigators, witnesses, or jurors; or

1 (9) the defendant, while committing an offense
2 punishable under Sections 401, 401.1, 401.2, 405, 405.2,
3 407 or 407.1 or subsection (b) of Section 404 of the
4 Illinois Controlled Substances Act, or while engaged in a
5 conspiracy or solicitation to commit such offense,
6 intentionally killed an individual or counseled,
7 commanded, induced, procured or caused the intentional
8 killing of the murdered individual; or

9 (10) the defendant was incarcerated in an institution
10 or facility of the Department of Corrections at the time of
11 the murder, and while committing an offense punishable as a
12 felony under Illinois law, or while engaged in a conspiracy
13 or solicitation to commit such offense, intentionally
14 killed an individual or counseled, commanded, induced,
15 procured or caused the intentional killing of the murdered
16 individual; or

17 (11) the murder was committed in a cold, calculated and
18 premeditated manner pursuant to a preconceived plan,
19 scheme or design to take a human life by unlawful means,
20 and the conduct of the defendant created a reasonable
21 expectation that the death of a human being would result
22 therefrom; or

23 (12) the murdered individual was an emergency medical
24 technician - ambulance, emergency medical technician -
25 intermediate, emergency medical technician - paramedic,
26 ambulance driver, or other medical assistance or first aid

1 personnel, employed by a municipality or other
2 governmental unit, killed in the course of performing his
3 official duties, to prevent the performance of his official
4 duties, or in retaliation for performing his official
5 duties, and the defendant knew or should have known that
6 the murdered individual was an emergency medical
7 technician - ambulance, emergency medical technician -
8 intermediate, emergency medical technician - paramedic,
9 ambulance driver, or other medical assistance or first aid
10 personnel; or

11 (13) the defendant was a principal administrator,
12 organizer, or leader of a calculated criminal drug
13 conspiracy consisting of a hierarchical position of
14 authority superior to that of all other members of the
15 conspiracy, and the defendant counseled, commanded,
16 induced, procured, or caused the intentional killing of the
17 murdered person; or

18 (14) the murder was intentional and involved the
19 infliction of torture. For the purpose of this Section
20 torture means the infliction of or subjection to extreme
21 physical pain, motivated by an intent to increase or
22 prolong the pain, suffering or agony of the victim; or

23 (15) the murder was committed as a result of the
24 intentional discharge of a firearm by the defendant from a
25 motor vehicle and the victim was not present within the
26 motor vehicle; or

1 (16) the murdered individual was 60 years of age or
2 older and the death resulted from exceptionally brutal or
3 heinous behavior indicative of wanton cruelty; or

4 (17) the murdered individual was a disabled person and
5 the defendant knew or should have known that the murdered
6 individual was disabled. For purposes of this paragraph
7 (17), "disabled person" means a person who suffers from a
8 permanent physical or mental impairment resulting from
9 disease, an injury, a functional disorder, or a congenital
10 condition that renders the person incapable of adequately
11 providing for his or her own health or personal care; or

12 (18) the murder was committed by reason of any person's
13 activity as a community policing volunteer or to prevent
14 any person from engaging in activity as a community
15 policing volunteer; or

16 (19) the murdered individual was subject to an order of
17 protection and the murder was committed by a person against
18 whom the same order of protection was issued under the
19 Illinois Domestic Violence Act of 1986; or

20 (20) the murdered individual was known by the defendant
21 to be a teacher or other person employed in any school and
22 the teacher or other employee is upon the grounds of a
23 school or grounds adjacent to a school, or is in any part
24 of a building used for school purposes; or

25 (21) the murder was committed by the defendant in
26 connection with or as a result of the offense of terrorism

1 as defined in Section 29D-14.9 ~~29D-30~~ of this Code.

2 (c) Consideration of factors in Aggravation and
3 Mitigation.

4 The court shall consider, or shall instruct the jury to
5 consider any aggravating and any mitigating factors which are
6 relevant to the imposition of the death penalty. Aggravating
7 factors may include but need not be limited to those factors
8 set forth in subsection (b). Mitigating factors may include but
9 need not be limited to the following:

10 (1) the defendant has no significant history of prior
11 criminal activity;

12 (2) the murder was committed while the defendant was
13 under the influence of extreme mental or emotional
14 disturbance, although not such as to constitute a defense
15 to prosecution;

16 (3) the murdered individual was a participant in the
17 defendant's homicidal conduct or consented to the
18 homicidal act;

19 (4) the defendant acted under the compulsion of threat
20 or menace of the imminent infliction of death or great
21 bodily harm;

22 (5) the defendant was not personally present during
23 commission of the act or acts causing death;

24 (6) the defendant's background includes a history of
25 extreme emotional or physical abuse;

26 (7) the defendant suffers from a reduced mental

1 capacity.

2 (d) Separate sentencing hearing.

3 Where requested by the State, the court shall conduct a
4 separate sentencing proceeding to determine the existence of
5 factors set forth in subsection (b) and to consider any
6 aggravating or mitigating factors as indicated in subsection
7 (c). The proceeding shall be conducted:

8 (1) before the jury that determined the defendant's
9 guilt; or

10 (2) before a jury impanelled for the purpose of the
11 proceeding if:

12 A. the defendant was convicted upon a plea of
13 guilty; or

14 B. the defendant was convicted after a trial before
15 the court sitting without a jury; or

16 C. the court for good cause shown discharges the
17 jury that determined the defendant's guilt; or

18 (3) before the court alone if the defendant waives a
19 jury for the separate proceeding.

20 (e) Evidence and Argument.

21 During the proceeding any information relevant to any of
22 the factors set forth in subsection (b) may be presented by
23 either the State or the defendant under the rules governing the
24 admission of evidence at criminal trials. Any information
25 relevant to any additional aggravating factors or any
26 mitigating factors indicated in subsection (c) may be presented

1 by the State or defendant regardless of its admissibility under
2 the rules governing the admission of evidence at criminal
3 trials. The State and the defendant shall be given fair
4 opportunity to rebut any information received at the hearing.

5 (f) Proof.

6 The burden of proof of establishing the existence of any of
7 the factors set forth in subsection (b) is on the State and
8 shall not be satisfied unless established beyond a reasonable
9 doubt.

10 (g) Procedure - Jury.

11 If at the separate sentencing proceeding the jury finds
12 that none of the factors set forth in subsection (b) exists,
13 the court shall sentence the defendant to a term of
14 imprisonment under Chapter V of the Unified Code of
15 Corrections. If there is a unanimous finding by the jury that
16 one or more of the factors set forth in subsection (b) exist,
17 the jury shall consider aggravating and mitigating factors as
18 instructed by the court and shall determine whether the
19 sentence of death shall be imposed. If the jury determines
20 unanimously, after weighing the factors in aggravation and
21 mitigation, that death is the appropriate sentence, the court
22 shall sentence the defendant to death. If the court does not
23 concur with the jury determination that death is the
24 appropriate sentence, the court shall set forth reasons in
25 writing including what facts or circumstances the court relied
26 upon, along with any relevant documents, that compelled the

1 court to non-concur with the sentence. This document and any
2 attachments shall be part of the record for appellate review.
3 The court shall be bound by the jury's sentencing
4 determination.

5 If after weighing the factors in aggravation and
6 mitigation, one or more jurors determines that death is not the
7 appropriate sentence, the court shall sentence the defendant to
8 a term of imprisonment under Chapter V of the Unified Code of
9 Corrections.

10 (h) Procedure - No Jury.

11 In a proceeding before the court alone, if the court finds
12 that none of the factors found in subsection (b) exists, the
13 court shall sentence the defendant to a term of imprisonment
14 under Chapter V of the Unified Code of Corrections.

15 If the Court determines that one or more of the factors set
16 forth in subsection (b) exists, the Court shall consider any
17 aggravating and mitigating factors as indicated in subsection
18 (c). If the Court determines, after weighing the factors in
19 aggravation and mitigation, that death is the appropriate
20 sentence, the Court shall sentence the defendant to death.

21 If the court finds that death is not the appropriate
22 sentence, the court shall sentence the defendant to a term of
23 imprisonment under Chapter V of the Unified Code of
24 Corrections.

25 (h-5) Decertification as a capital case.

26 In a case in which the defendant has been found guilty of

1 first degree murder by a judge or jury, or a case on remand for
2 resentencing, and the State seeks the death penalty as an
3 appropriate sentence, on the court's own motion or the written
4 motion of the defendant, the court may decertify the case as a
5 death penalty case if the court finds that the only evidence
6 supporting the defendant's conviction is the uncorroborated
7 testimony of an informant witness, as defined in Section 115-21
8 of the Code of Criminal Procedure of 1963, concerning the
9 confession or admission of the defendant or that the sole
10 evidence against the defendant is a single eyewitness or single
11 accomplice without any other corroborating evidence. If the
12 court decertifies the case as a capital case under either of
13 the grounds set forth above, the court shall issue a written
14 finding. The State may pursue its right to appeal the
15 decertification pursuant to Supreme Court Rule 604(a)(1). If
16 the court does not decertify the case as a capital case, the
17 matter shall proceed to the eligibility phase of the sentencing
18 hearing.

19 (i) Appellate Procedure.

20 The conviction and sentence of death shall be subject to
21 automatic review by the Supreme Court. Such review shall be in
22 accordance with rules promulgated by the Supreme Court. The
23 Illinois Supreme Court may overturn the death sentence, and
24 order the imposition of imprisonment under Chapter V of the
25 Unified Code of Corrections if the court finds that the death
26 sentence is fundamentally unjust as applied to the particular

1 case. If the Illinois Supreme Court finds that the death
2 sentence is fundamentally unjust as applied to the particular
3 case, independent of any procedural grounds for relief, the
4 Illinois Supreme Court shall issue a written opinion explaining
5 this finding.

6 (j) Disposition of reversed death sentence.

7 In the event that the death penalty in this Act is held to
8 be unconstitutional by the Supreme Court of the United States
9 or of the State of Illinois, any person convicted of first
10 degree murder shall be sentenced by the court to a term of
11 imprisonment under Chapter V of the Unified Code of
12 Corrections.

13 In the event that any death sentence pursuant to the
14 sentencing provisions of this Section is declared
15 unconstitutional by the Supreme Court of the United States or
16 of the State of Illinois, the court having jurisdiction over a
17 person previously sentenced to death shall cause the defendant
18 to be brought before the court, and the court shall sentence
19 the defendant to a term of imprisonment under Chapter V of the
20 Unified Code of Corrections.

21 (k) Guidelines for seeking the death penalty.

22 The Attorney General and State's Attorneys Association
23 shall consult on voluntary guidelines for procedures governing
24 whether or not to seek the death penalty. The guidelines do not
25 have the force of law and are only advisory in nature.

26 (Source: P.A. 92-854, eff. 12-5-02; 93-605, eff. 11-19-03.)

1 (720 ILCS 5/9-2) (from Ch. 38, par. 9-2)

2 Sec. 9-2. Second degree murder ~~Degree Murder~~.

3 (a) A person commits the offense of second degree murder
4 when he or she commits the offense of first degree murder as
5 defined in paragraph ~~paragraphs~~ (1) or (2) of subsection (a) of
6 Section 9-1 of this Code and either of the following mitigating
7 factors are present:

8 (1) at ~~At~~ the time of the killing he or she is acting
9 under a sudden and intense passion resulting from serious
10 provocation by the individual killed or another whom the
11 offender endeavors to kill, but he or she negligently or
12 accidentally causes the death of the individual killed; or

13 (2) at ~~At~~ the time of the killing he or she believes
14 the circumstances to be such that, if they existed, would
15 justify or exonerate the killing under the principles
16 stated in Article 7 of this Code, but his or her belief is
17 unreasonable.

18 (b) Serious provocation is conduct sufficient to excite an
19 intense passion in a reasonable person.

20 (c) When ~~a defendant is on trial for first degree murder~~
21 ~~and~~ evidence of either of the mitigating factors defined in
22 subsection (a) of this Section has been presented, the burden
23 of proof is on the defendant to prove either mitigating factor
24 by a preponderance of the evidence before the defendant can be
25 found guilty of second degree murder. The ~~However,~~ the burden

1 of proof, however, remains on the State to prove beyond a
2 reasonable doubt each of the elements of first degree murder
3 and, when appropriately raised, the absence of circumstances at
4 the time of the killing that would justify or exonerate the
5 killing under the principles stated in Article 7 of this Code.
6 ~~In a jury trial for first degree murder in which evidence of~~
7 ~~either of the mitigating factors defined in subsection (a) of~~
8 ~~this Section has been presented and the defendant has requested~~
9 ~~that the jury be given the option of finding the defendant~~
10 ~~guilty of second degree murder, the jury must be instructed~~
11 ~~that it may not consider whether the defendant has met his~~
12 ~~burden of proof with regard to second degree murder until and~~
13 ~~unless it has first determined that the State has proven beyond~~
14 ~~a reasonable doubt each of the elements of first degree murder.~~

15 (d) Sentence. Second degree murder ~~Degree Murder~~ is a Class
16 1 felony.

17 (Source: P.A. 84-1450.)

18 (720 ILCS 5/9-3.4) (was 720 ILCS 5/9-3.1)

19 Sec. 9-3.4 ~~9-3.1~~. Concealment of homicidal death.

20 (a) A person commits the offense of concealment of
21 homicidal death when he or she knowingly conceals the death of
22 any other person with knowledge that such other person has died
23 by homicidal means.

24 (b) Nothing in this Section prevents the defendant from
25 also being charged with and tried for the first degree murder,

1 second degree murder, or involuntary manslaughter of the person
2 whose death is concealed. ~~If a person convicted under this~~
3 ~~Section is also convicted of first degree murder, second degree~~
4 ~~murder or involuntary manslaughter, the penalty under this~~
5 ~~Section shall be imposed separately and in addition to the~~
6 ~~penalty for first degree murder, second degree murder or~~
7 ~~involuntary manslaughter.~~

8 (b-5) For purposes of this Section:

9 "Conceal" means the performing of some act or acts for the
10 purpose of preventing or delaying the discovery of a death by
11 homicidal means. "Conceal" means something more than simply
12 withholding knowledge or failing to disclose information.

13 "Homicidal means" means any act or acts, lawful or
14 unlawful, of a person that cause the death of another person.

15 (c) Sentence. Concealment of homicidal death is a Class 3
16 felony.

17 (Source: P.A. 84-1308; 84-1450.)

18 (720 ILCS 5/10-1) (from Ch. 38, par. 10-1)

19 Sec. 10-1. Kidnapping.†

20 (a) A person commits the offense of kidnapping when he or
21 she ~~Kidnapping occurs when a person~~ knowingly:

22 (1) and ~~And~~ secretly confines another against his or
23 her will; ~~or~~

24 (2) by ~~By~~ force or threat of imminent force carries
25 another from one place to another with intent secretly to

1 confine that other person ~~him~~ against his or her will; ~~or~~

2 (3) by ~~By~~ deceit or enticement induces another to go
3 from one place to another with intent secretly to confine
4 that other person ~~him~~ against his or her will.

5 (b) Confinement of a child under the age of 13 years, or of
6 a severely or profoundly mentally retarded person, is against
7 that child's or person's ~~his~~ will within the meaning of this
8 Section if that ~~such~~ confinement is without the consent of that
9 child's or person's ~~his~~ parent or legal guardian.

10 (c) Sentence. Kidnapping is a Class 2 felony.

11 (Source: P.A. 79-765.)

12 (720 ILCS 5/10-2) (from Ch. 38, par. 10-2)

13 Sec. 10-2. Aggravated kidnaping.

14 (a) A person commits kidnaper ~~within the definition of~~
15 ~~paragraph (a) of Section 10-1 is guilty of~~ the offense of
16 aggravated kidnaping when he or she commits kidnapping and:

17 (1) kidnaps with the intent to obtain ~~Kidnaps for the~~
18 ~~purpose of obtaining~~ ransom from the person kidnaped or
19 from any other person; ~~or~~

20 (2) takes ~~Takes~~ as his or her victim a child under the
21 age of 13 years, or a severely or profoundly mentally
22 retarded person; ~~or~~

23 (3) inflicts ~~Inflicts~~ great bodily harm, other than by
24 the discharge of a firearm, or commits another felony upon
25 his or her victim; ~~or~~

1 (4) wears ~~Wears~~ a hood, robe, or mask or conceals his
2 or her identity; ~~or~~

3 (5) commits ~~Commits~~ the offense of kidnaping while
4 armed with a dangerous weapon, other than a firearm, as
5 defined in Section 33A-1 of this ~~the "Criminal Code; of~~
6 ~~1961", or~~

7 (6) commits ~~Commits~~ the offense of kidnaping while
8 armed with a firearm; ~~or~~

9 (7) during ~~During~~ the commission of the offense of
10 kidnaping, personally discharges ~~discharged~~ a firearm; ~~or~~
11 or

12 (8) during ~~During~~ the commission of the offense of
13 kidnaping, personally discharges ~~discharged~~ a firearm that
14 proximately causes ~~caused~~ great bodily harm, permanent
15 disability, permanent disfigurement, or death to another
16 person.

17 As used in this Section, "ransom" includes money, benefit,
18 or other valuable thing or concession.

19 (b) Sentence. Aggravated kidnaping in violation of
20 paragraph (1), (2), (3), (4), or (5) of subsection (a) is a
21 Class X felony. A violation of subsection (a) (6) is a Class X
22 felony for which 15 years shall be added to the term of
23 imprisonment imposed by the court. A violation of subsection
24 (a) (7) is a Class X felony for which 20 years shall be added to
25 the term of imprisonment imposed by the court. A violation of
26 subsection (a) (8) is a Class X felony for which 25 years or up

1 to a term of natural life shall be added to the term of
2 imprisonment imposed by the court.

3 A person who is convicted of a second or subsequent offense
4 of aggravated kidnaping shall be sentenced to a term of natural
5 life imprisonment; ~~except provided, however,~~ that a sentence of
6 natural life imprisonment shall not be imposed under this
7 Section unless the second or subsequent offense was committed
8 after conviction on the first offense.

9 (Source: P.A. 91-404, eff. 1-1-00; 92-434, eff. 1-1-02.)

10 (720 ILCS 5/10-3) (from Ch. 38, par. 10-3)

11 Sec. 10-3. Unlawful restraint.†

12 (a) A person commits the offense of unlawful restraint when
13 he or she knowingly without legal authority detains another.

14 (b) Sentence. Unlawful restraint is a Class 4 felony.

15 (Source: P.A. 79-840.)

16 (720 ILCS 5/10-3.1) (from Ch. 38, par. 10-3.1)

17 Sec. 10-3.1. Aggravated unlawful restraint ~~Unlawful~~
18 ~~Restraint.~~

19 (a) A person commits the offense of aggravated unlawful
20 restraint when he or she commits unlawful restraint ~~knowingly~~
21 ~~without legal authority detains another~~ while using a deadly
22 weapon.

23 (b) Sentence. Aggravated unlawful restraint is a Class 3
24 felony.

1 (Source: P.A. 84-930.)

2 (720 ILCS 5/10-5) (from Ch. 38, par. 10-5)

3 Sec. 10-5. Child abduction ~~Abduction~~.

4 (a) For purposes of this Section, the following terms ~~shall~~
5 have the following meanings:

6 (1) "Child" means a person who, at the time the alleged
7 violation occurred, was under the age of 18 or ~~a~~ severely
8 or profoundly mentally retarded. ~~person at the time the~~
9 ~~alleged violation occurred ; and~~

10 (2) "Detains" means taking or retaining physical
11 custody of a child, whether or not the child resists or
12 objects. ~~and~~

13 (3) "Lawful custodian" means a person or persons
14 granted legal custody of a child or entitled to physical
15 possession of a child pursuant to a court order. It is
16 presumed that, when the parties have never been married to
17 each other, the mother has legal custody of the child
18 unless a valid court order states otherwise. If an
19 adjudication of paternity has been completed and the father
20 has been assigned support obligations or visitation
21 rights, such a paternity order should, for the purposes of
22 this Section, be considered a valid court order granting
23 custody to the mother.

24 (4) "Putative father" means a man who has a reasonable
25 belief that he is the father of a child born of a woman who

1 is not his wife.

2 (b) A person commits the offense of child abduction when he
3 or she does any one of the following:

4 (1) Intentionally violates any terms of a valid court
5 order granting sole or joint custody, care, or possession
6 to another~~7~~ by concealing or detaining the child or
7 removing the child from the jurisdiction of the court. ~~7-08~~

8 (2) Intentionally violates a court order prohibiting
9 the person from concealing or detaining the child or
10 removing the child from the jurisdiction of the court. ~~7-08~~

11 (3) Intentionally conceals, detains, or removes the
12 child without the consent of the mother or lawful custodian
13 of the child if the person is a putative father and either:
14 (A) the paternity of the child has not been legally
15 established or (B) the paternity of the child has been
16 legally established but no orders relating to custody have
17 been entered. Notwithstanding ~~However, notwithstanding~~ the
18 presumption created by paragraph (3) of subsection (a),
19 however, a mother commits child abduction when she
20 intentionally conceals or removes a child, whom she has
21 abandoned or relinquished custody of, from an
22 unadjudicated father who has provided sole ongoing care and
23 custody of the child in her absence. ~~7-08~~

24 (4) Intentionally conceals or removes the child from a
25 parent after filing a petition or being served with process
26 in an action affecting marriage or paternity but prior to

1 the issuance of a temporary or final order determining
2 custody. ~~or~~

3 (5) At the expiration of visitation rights outside the
4 State, intentionally fails or refuses to return or impedes
5 the return of the child to the lawful custodian in
6 Illinois. ~~or~~

7 (6) Being a parent of the child, and if ~~where~~ the
8 parents of that ~~such~~ child are or have been married and
9 there has been no court order of custody, knowingly
10 conceals the child for 15 days, and fails to make
11 reasonable attempts within the 15-day ~~15-day~~ period to
12 notify the other parent as to the specific whereabouts of
13 the child, including a means by which to contact the ~~such~~
14 child, or to arrange reasonable visitation or contact with
15 the child. It is not a violation of this Section for a
16 person fleeing domestic violence to take the child with him
17 or her to housing provided by a domestic violence program.
18 ~~or~~

19 (7) Being a parent of the child, and if ~~where~~ the
20 parents of the child are or have been married and there has
21 been no court order of custody, knowingly conceals,
22 detains, or removes the child with physical force or threat
23 of physical force. ~~or~~

24 (8) Knowingly conceals ~~Conceals~~, detains, or removes
25 the child for payment or promise of payment at the
26 instruction of a person who has no legal right to custody.

1 ~~7-01~~

2 (9) Knowingly retains ~~Retains~~ in this State for 30 days
3 a child removed from another state without the consent of
4 the lawful custodian or in violation of a valid court order
5 of custody. ~~7-01~~

6 (10) Intentionally lures or attempts to lure a child
7 under the age of 16 into a motor vehicle, building,
8 housetrailer, or dwelling place without the consent of the
9 child's parent or lawful custodian ~~of the child~~ for other
10 than a lawful purpose. For the purposes of this item
11 ~~subsection (b), paragraph~~ (10), the luring or attempted
12 luring of a child under the age of 16 into a motor vehicle,
13 building, housetrailer, or dwelling place without the
14 consent of the child's parent or lawful custodian is ~~of the~~
15 ~~child shall be~~ prima facie evidence of other than a lawful
16 purpose.

17 (11) With the intent to obstruct or prevent efforts to
18 locate the child victim of a child abduction, knowingly
19 destroys, alters, conceals, or disguises physical evidence
20 or furnishes false information.

21 (c) It is ~~shall be~~ an affirmative defense to subsections
22 (b) (1) through (b) (10) of this Section that:

23 (1) the ~~The~~ person had custody of the child pursuant to
24 a court order granting legal custody or visitation rights
25 that ~~which~~ existed at the time of the alleged violation; ~~or~~

26 (2) the ~~The~~ person had physical custody of the child

1 pursuant to a court order granting legal custody or
2 visitation rights and failed to return the child as a
3 result of circumstances beyond his or her control, and the
4 person notified and disclosed to the other parent or legal
5 custodian the specific whereabouts of the child and a means
6 by which the ~~such~~ child could ~~can~~ be contacted or made a
7 reasonable attempt to notify the other parent or lawful
8 custodian of the child of those ~~such~~ circumstances and made
9 the ~~make~~ ~~such~~ disclosure within 24 hours after the
10 visitation period had expired and returned the child as
11 soon as possible; ~~or~~

12 (3) the ~~The~~ person was fleeing an incidence or pattern
13 of domestic violence; or

14 (4) the ~~The~~ person lured or attempted to lure a child
15 under the age of 16 into a motor vehicle, building,
16 housetrailer, or dwelling place for a lawful purpose in
17 prosecutions under paragraph (10) of subsection (b),
18 ~~paragraph (10)~~.

19 (d) A person convicted of child abduction under this
20 Section is guilty of a Class 4 felony. A person convicted of a
21 second or subsequent violation of paragraph (10) of subsection
22 (b) of this Section is guilty of a Class 3 felony. It is ~~shall~~
23 ~~be~~ a factor in aggravation under subsections (b)(1) through
24 (b)(10) of this Section for which a court may impose a more
25 severe sentence under Section 5-8-1 of the Unified Code of
26 Corrections, if, upon sentencing, the court finds evidence of

1 any of the following aggravating factors:

2 (1) that the defendant abused or neglected the child
3 following the concealment, detention, l or removal of the
4 child; ~~or~~

5 (2) that the defendant inflicted or threatened to
6 inflict physical harm on a parent or lawful custodian of
7 the child or on the child with intent to cause that ~~such~~
8 parent or lawful custodian to discontinue criminal
9 prosecution of the defendant under this Section; ~~or~~

10 (3) that the defendant demanded payment in exchange for
11 return of the child or demanded that he or she be relieved
12 of the financial or legal obligation to support the child
13 in exchange for return of the child; ~~or~~

14 (4) that the defendant has previously been convicted of
15 child abduction; ~~or~~

16 (5) that the defendant committed the abduction while
17 armed with a deadly weapon or the taking of the child
18 resulted in serious bodily injury to another; or

19 (6) that the defendant committed the abduction while in
20 a school, regardless of the time of day or time of year; in
21 a playground; on any conveyance owned, leased, or
22 contracted by a school to transport students to or from
23 school or a school related activity; on the real property
24 of a school; or on a public way within 1,000 feet of the
25 real property comprising any school or playground. For
26 purposes of this paragraph (6), "playground" means a piece

1 of land owned or controlled by a unit of local government
2 that is designated by the unit of local government for use
3 solely or primarily for children's recreation; and
4 "school" means a public or private elementary or secondary
5 school, community college, college, or university.

6 (e) The court may order the child to be returned to the
7 parent or lawful custodian from whom the child was concealed,
8 detained, or removed. In addition to any sentence imposed, the
9 court may assess any reasonable expense incurred in searching
10 for or returning the child against any person convicted of
11 violating this Section.

12 (f) Nothing contained in this Section shall be construed to
13 limit the court's contempt power.

14 (g) Every law enforcement officer investigating an alleged
15 incident of child abduction shall make a written police report
16 of any bona fide allegation and the disposition of that ~~such~~
17 investigation. Every police report completed pursuant to this
18 Section shall be compiled and recorded within the meaning of
19 Section 5.1 of the Criminal Identification Act ~~"An Act in~~
20 ~~relation to criminal identification and investigation",~~
21 ~~approved July 2, 1931, as now or hereafter amended.~~

22 (h) Whenever a law enforcement officer has reasons to
23 believe a child abduction has occurred, she or he shall provide
24 the lawful custodian a summary of her or his rights under this
25 Code Act, including the procedures and relief available to her
26 or him.

1 (i) If during the course of an investigation under this
2 Section the child is found in the physical custody of the
3 defendant or another, the law enforcement officer shall return
4 the child to the parent or lawful custodian from whom the child
5 was concealed, detained, l or removed, unless there is good cause
6 for the law enforcement officer or the Department of Children
7 and Family Services to retain temporary protective custody of
8 the child pursuant to the Abused and Neglected Child Reporting
9 Act, ~~as now or hereafter amended~~.

10 (Source: P.A. 92-434, eff. 1-1-02.)

11 (720 ILCS 5/10-5.5)

12 Sec. 10-5.5. Unlawful visitation interference.

13 (a) As used in this Section, the terms "child", "detain",
14 and "lawful custodian" ~~shall~~ have the meanings ascribed to them
15 in Section 10-5 of this Code.

16 (b) Every person who, in violation of the visitation
17 provisions of a court order relating to child custody, detains
18 or conceals a child with the intent to deprive another person
19 of his or her rights to visitation commits the offense ~~shall be~~
20 ~~guilty~~ of unlawful visitation interference.

21 (c) A person committing unlawful visitation interference
22 is guilty of a petty offense. Any ~~However, any~~ person violating
23 this Section after 2 prior convictions of unlawful visitation
24 interference, however, is guilty of a Class A misdemeanor.

25 (d) Any law enforcement officer who has probable cause to

1 believe that a person has committed or is committing an act in
2 violation of this Section shall issue to that person a notice
3 to appear.

4 (e) The notice shall:

5 (1) be in writing;

6 (2) state the name of the person and his or her
7 address, if known;

8 (3) set forth the nature of the offense;

9 (4) be signed by the officer issuing the notice; and

10 (5) request the person to appear before a court at a
11 certain time and place.

12 (f) Upon failure of the person to appear, a summons or
13 warrant of arrest may be issued.

14 (g) It is an affirmative defense that:

15 (1) a person or lawful custodian committed the act to
16 protect the child from imminent physical harm, provided
17 that the defendant's belief that there was physical harm
18 imminent was reasonable and that the defendant's conduct in
19 withholding visitation rights was a reasonable response to
20 the harm believed imminent;

21 (2) the act was committed with the mutual consent of
22 all parties having a right to custody and visitation of the
23 child; or

24 (3) the act was otherwise authorized by law.

25 ~~(h) A person convicted of unlawful visitation interference~~
26 ~~shall not be subject to a civil contempt citation for the same~~

1 ~~conduct for violating visitation provisions of a court order~~
2 ~~issued under the Illinois Marriage and Dissolution of Marriage~~
3 ~~Act.~~

4 (Source: P.A. 88-96.)

5 (720 ILCS 5/10-7) (from Ch. 38, par. 10-7)

6 Sec. 10-7. Aiding or ~~and~~ abetting child abduction.

7 (a) A person violates this Section when, before: ~~(i) Before~~
8 or during the commission of a child abduction as defined in
9 Section 10-5 and with the intent to promote or facilitate such
10 offense, he or she intentionally aids or abets another in the
11 planning or commission of child abduction, unless before the
12 commission of the offense he or she makes proper effort to
13 prevent the commission of the offense; ~~or (ii) With the intent~~
14 ~~to prevent the apprehension of a person known to have committed~~
15 ~~the offense of child abduction, or with the intent to obstruct~~
16 ~~or prevent efforts to locate the child victim of a child~~
17 ~~abduction, he or she knowingly destroys, alters, conceals or~~
18 ~~disguises physical evidence or furnishes false information.~~

19 (b) Sentence. A person who violates this Section commits a
20 Class 4 felony.

21 (Source: P.A. 84-1308.)

22 (720 ILCS 5/10-9 new)

23 Sec. 10-9. Trafficking in persons, involuntary servitude,
24 and related offenses.

1 (a) Definitions. In this Section:

2 (1) "Intimidation" has the meaning prescribed in
3 Section 12-6.

4 (2) "Commercial sexual activity" means any sex act on
5 account of which anything of value is given, promised to,
6 or received by any person.

7 (3) "Financial harm" includes intimidation that brings
8 about financial loss, criminal usury, or employment
9 contracts that violate the Frauds Act.

10 (4) "Forced labor or services" means labor or services
11 that are performed or provided by another person and are
12 obtained or maintained through:

13 (A) any scheme, plan, or pattern intending to cause
14 or threatening to cause serious harm to any person;

15 (B) an actor's physically restraining or
16 threatening to physically restrain another person;

17 (C) an actor's abusing or threatening to abuse the
18 law or legal process;

19 (D) an actor's knowingly destroying, concealing,
20 removing, confiscating, or possessing any actual or
21 purported passport or other immigration document, or
22 any other actual or purported government
23 identification document, of another person;

24 (E) an actor's blackmail; or

25 (F) an actor's causing or threatening to cause
26 financial harm to or exerting financial control over

1 any person.

2 (5) "Labor" means work of economic or financial value.

3 (6) "Maintain" means, in relation to labor or services,
4 to secure continued performance thereof, regardless of any
5 initial agreement on the part of the victim to perform that
6 type of service.

7 (7) "Obtain" means, in relation to labor or services,
8 to secure performance thereof.

9 (8) "Services" means activities resulting from a
10 relationship between a person and the actor in which the
11 person performs activities under the supervision of or for
12 the benefit of the actor. Commercial sexual activity and
13 sexually-explicit performances are forms of activities
14 that are "services" under this Section. Nothing in this
15 definition may be construed to legitimize or legalize
16 prostitution.

17 (9) "Sexually-explicit performance" means a live,
18 recorded, broadcast (including over the Internet), or
19 public act or show intended to arouse or satisfy the sexual
20 desires or appeal to the prurient interests of patrons.

21 (10) "Trafficking victim" means a person subjected to
22 the practices set forth in subsection (b), (c), or (d).

23 (b) Involuntary servitude. A person commits the offense of
24 involuntary servitude when he or she knowingly subjects,
25 attempts to subject, or engages in a conspiracy to subject
26 another person to forced labor or services and:

1 (1) causes or threatens to cause physical harm to any
2 person;

3 (2) physically restrains or threatens to physically
4 restrain another person;

5 (3) abuses or threatens to abuse the law or legal
6 process;

7 (4) knowingly destroys, conceals, removes,
8 confiscates, or possesses any actual or purported passport
9 or other immigration document, or any other actual or
10 purported government identification document, of another
11 person; or

12 (5) uses intimidation, or uses or threatens to cause
13 financial harm to or exerts financial control over any
14 person.

15 Sentence. Except as otherwise provided in subsection (e) or
16 (f), a violation of subsection (b)(1) is a Class X felony,
17 (b)(2) is a Class 1 felony, (b)(3) is a Class 2 felony, (b)(4)
18 is a Class 3 felony, and (b)(5) is a Class 4 felony.

19 (c) Involuntary sexual servitude of a minor. A person
20 commits the offense of involuntary sexual servitude of a minor
21 when he or she knowingly recruits, entices, harbors,
22 transports, provides, or obtains by any means, or attempts to
23 recruit, entice, harbor, provide, or obtain by any means,
24 another person under 18 years of age, knowing that the minor
25 will engage in commercial sexual activity, a sexually-explicit
26 performance, or the production of pornography, or causes or

1 attempts to cause a minor to engage in one or more of those
2 activities and:

3 (1) there is no overt force or threat and the minor is
4 between the ages of 17 and 18 years;

5 (2) there is no overt force or threat and the minor is
6 under the age of 17 years; or

7 (3) there is overt force or threat.

8 Sentence. Except as otherwise provided in subsection (e) or
9 (f), a violation of subsection (c)(1) is a Class 1 felony,
10 (c)(2) is a Class X felony, and (c)(3) is a Class X felony.

11 (d) Trafficking in persons for forced labor or services. A
12 person commits the offense of trafficking in persons for forced
13 labor or services when he or she knowingly: (1) recruits,
14 entices, harbors, transports, provides, or obtains by any
15 means, or attempts to recruit, entice, harbor, transport,
16 provide, or obtain by any means, another person, intending or
17 knowing that the person will be subjected to forced labor or
18 services; or (2) benefits, financially or by receiving anything
19 of value, from participation in a venture that has engaged in
20 an act of involuntary servitude or involuntary sexual servitude
21 of a minor.

22 Sentence. Except as otherwise provided in subsection (e) or
23 (f), a violation of this subsection is a Class 1 felony.

24 (e) Aggravating factors. A violation of this Section
25 involving kidnapping or an attempt to kidnap, aggravated
26 criminal sexual assault or an attempt to commit aggravated

1 criminal sexual assault, or an attempt to commit first degree
2 murder is a Class X felony.

3 (f) Sentencing considerations.

4 (1) Bodily injury. If, pursuant to a violation of this
5 Section, a victim suffered bodily injury, the defendant may
6 be sentenced to an extended-term sentence under Section
7 5-8-2 of the Unified Code of Corrections. The sentencing
8 court must take into account the time in which the victim
9 was held in servitude, with increased penalties for cases
10 in which the victim was held for between 180 days and one
11 year, and increased penalties for cases in which the victim
12 was held for more than one year.

13 (2) Number of victims. In determining sentences within
14 statutory maximums, the sentencing court should take into
15 account the number of victims, and may provide for
16 substantially increased sentences in cases involving more
17 than 10 victims.

18 (g) Restitution. Restitution is mandatory under this
19 Section. In addition to any other amount of loss identified,
20 the court shall order restitution including the greater of (1)
21 the gross income or value to the defendant of the victim's
22 labor or services or (2) the value of the victim's labor as
23 guaranteed under the Minimum Wage Law and overtime provisions
24 of the Fair Labor Standards Act (FLSA) or the Minimum Wage Law,
25 whichever is greater.

26 (h) Trafficking victim services. Subject to the

1 availability of funds, the Department of Human Services may
2 provide or fund emergency services and assistance to
3 individuals who are victims of one or more offenses defined in
4 this Section.

5 (i) Certification. The Attorney General, a State's
6 Attorney, or any law enforcement official shall certify in
7 writing to the United States Department of Justice or other
8 federal agency, such as the United States Department of
9 Homeland Security, that an investigation or prosecution under
10 this Section has begun and the individual who is a likely
11 victim of a crime described in this Section is willing to
12 cooperate or is cooperating with the investigation to enable
13 the individual, if eligible under federal law, to qualify for
14 an appropriate special immigrant visa and to access available
15 federal benefits. Cooperation with law enforcement shall not be
16 required of victims of a crime described in this Section who
17 are under 18 years of age. This certification shall be made
18 available to the victim and his or her designated legal
19 representative.

20 (j) A person who commits the offense of involuntary
21 servitude, involuntary sexual servitude of a minor, or
22 trafficking in persons for forced labor or services under
23 subsection (b), (c), or (d) of this Section shall forfeit to
24 the State of Illinois any profits or proceeds and any interest
25 or property he or she has acquired or maintained in violation
26 of subsection (b), (c), or (d) of this Section that the

1 sentencing court determines, after a forfeiture hearing, to
2 have been acquired or maintained as a result of maintaining a
3 person in involuntary servitude or participating in
4 trafficking in persons for forced labor or services.

5 Upon petition by the Attorney General or State's Attorney
6 at any time following sentencing, the court shall conduct a
7 hearing to determine whether any property or property interest
8 is subject to forfeiture under this Section. At the forfeiture
9 hearing the People have the burden of establishing, by a
10 preponderance of the evidence, that property or property
11 interests are subject to forfeiture under this Section.

12 In any action brought by the People of the State of
13 Illinois under this Section, in which a restraining order,
14 injunction, or prohibition or any other action in connection
15 with any property or interest subject to forfeiture under this
16 Section is sought, the circuit court presiding over the trial
17 of the person or persons charged with involuntary servitude,
18 involuntary sexual servitude of a minor, or trafficking in
19 persons for forced labor or services shall first determine
20 whether there is probable cause to believe that the person or
21 persons so charged have committed the offense of involuntary
22 servitude, involuntary sexual servitude of a minor, or
23 trafficking in persons for forced labor or services and whether
24 the property or interest is subject to forfeiture under this
25 Section. In order to make that determination, prior to entering
26 any such order, the court shall conduct a hearing without a

1 jury, in which the People shall establish that there is: (i)
2 probable cause that the person or persons so charged have
3 committed the offense of involuntary servitude, involuntary
4 sexual servitude of a minor, or trafficking in persons for
5 forced labor or services and (ii) probable cause that any
6 property or interest may be subject to forfeiture under this
7 Section. The hearing may be conducted simultaneously with a
8 preliminary hearing, if the prosecution is commenced by
9 information or complaint, or by motion of the People, at any
10 stage in the proceedings. The court may accept a finding of
11 probable cause at a preliminary hearing following the filing of
12 an information charging the offense of involuntary servitude,
13 involuntary sexual servitude of a minor, or trafficking in
14 persons for forced labor or services or the return of an
15 indictment by a grand jury charging the offense of involuntary
16 servitude, involuntary sexual servitude of a minor, or
17 trafficking in persons for forced labor or services as
18 sufficient evidence of probable cause as provided in item (i)
19 of this paragraph. Upon a finding, the circuit court shall
20 enter the restraining order, injunction, or prohibition, or
21 shall take such other action in connection with any such
22 property or other interest subject to forfeiture, as is
23 necessary to ensure that the property is not removed from the
24 jurisdiction of the court, concealed, destroyed, or otherwise
25 disposed of by the owner of that property or interest prior to
26 a forfeiture hearing under this Section. The Attorney General

1 or State's Attorney shall file a certified copy of the
2 restraining order, injunction, or other prohibition with the
3 recorder or registrar of titles of each county where any such
4 property of the defendant may be located. No such injunction,
5 restraining order, or other prohibition shall affect the rights
6 of any bona fide purchaser, mortgagee, judgment creditor, or
7 other lien holder arising prior to the date of that filing. At
8 any time, upon verified petition by the defendant or an
9 innocent owner or innocent bona fide third party lien holder
10 who neither had knowledge of, nor consented to, the illegal act
11 or omission, the court may conduct a hearing to release all or
12 portions of any such property or interest that the court
13 previously determined to be subject to forfeiture or subject to
14 any restraining order, injunction, or prohibition or other
15 action. The court may release that property to the defendant or
16 innocent owner or innocent bona fide third party lien holder
17 who neither had knowledge of nor consented to the illegal act
18 or omission for good cause shown and within the sound
19 discretion of the court.

20 Upon conviction of a person of involuntary servitude,
21 involuntary sexual servitude of a minor, or trafficking in
22 persons for forced labor or services, the court shall authorize
23 the Attorney General to seize all property or other interest
24 declared forfeited under this Section upon terms and conditions
25 the court deems proper.

26 All moneys forfeited and the sale proceeds of all other

1 property forfeited and seized under this Section shall be
2 distributed as follows:

3 (1) one-half shall be divided equally between all State
4 agencies and units of local government whose officers or
5 employees conducted the investigation that resulted in the
6 forfeiture; and

7 (2) one-half shall be deposited into the Violent Crime
8 Victims Assistance Fund and targeted to services for
9 victims of the offenses of involuntary servitude,
10 involuntary sexual servitude of a minor, and trafficking in
11 persons for forced labor or services.

12 (720 ILCS 5/11-9.3)

13 Sec. 11-9.3. Presence within school zone by child sex
14 offenders prohibited.

15 (a) It is unlawful for a child sex offender to knowingly be
16 present in any school building, on real property comprising any
17 school, or in any conveyance owned, leased, or contracted by a
18 school to transport students to or from school or a school
19 related activity when persons under the age of 18 are present
20 in the building, on the grounds or in the conveyance, unless
21 the offender is a parent or guardian of a student attending the
22 school and the parent or guardian is: (i) attending a
23 conference at the school with school personnel to discuss the
24 progress of his or her child academically or socially, (ii)
25 participating in child review conferences in which evaluation

1 and placement decisions may be made with respect to his or her
2 child regarding special education services, or (iii) attending
3 conferences to discuss other student issues concerning his or
4 her child such as retention and promotion and notifies the
5 principal of the school of his or her presence at the school or
6 unless the offender has permission to be present from the
7 superintendent or the school board or in the case of a private
8 school from the principal. In the case of a public school, if
9 permission is granted, the superintendent or school board
10 president must inform the principal of the school where the sex
11 offender will be present. Notification includes the nature of
12 the sex offender's visit and the hours in which the sex
13 offender will be present in the school. The sex offender is
14 responsible for notifying the principal's office when he or she
15 arrives on school property and when he or she departs from
16 school property. If the sex offender is to be present in the
17 vicinity of children, the sex offender has the duty to remain
18 under the direct supervision of a school official. A child sex
19 offender who violates this provision is guilty of a Class 4
20 felony.

21 (a-5) It is unlawful for a child sex offender to knowingly
22 be present within 100 feet of a site posted as a pick-up or
23 discharge stop for a conveyance owned, leased, or contracted by
24 a school to transport students to or from school or a school
25 related activity when one or more persons under the age of 18
26 are present at the site.

1 (b) It is unlawful for a child sex offender to knowingly
2 loiter within 500 feet of a school building or real property
3 comprising any school while persons under the age of 18 are
4 present in the building or on the grounds, unless the offender
5 is a parent or guardian of a student attending the school and
6 the parent or guardian is: (i) attending a conference at the
7 school with school personnel to discuss the progress of his or
8 her child academically or socially, (ii) participating in child
9 review conferences in which evaluation and placement decisions
10 may be made with respect to his or her child regarding special
11 education services, or (iii) attending conferences to discuss
12 other student issues concerning his or her child such as
13 retention and promotion and notifies the principal of the
14 school of his or her presence at the school or has permission
15 to be present from the superintendent or the school board or in
16 the case of a private school from the principal. In the case of
17 a public school, if permission is granted, the superintendent
18 or school board president must inform the principal of the
19 school where the sex offender will be present. Notification
20 includes the nature of the sex offender's visit and the hours
21 in which the sex offender will be present in the school. The
22 sex offender is responsible for notifying the principal's
23 office when he or she arrives on school property and when he or
24 she departs from school property. If the sex offender is to be
25 present in the vicinity of children, the sex offender has the
26 duty to remain under the direct supervision of a school

1 official. A child sex offender who violates this provision is
2 guilty of a Class 4 felony.

3 (b-5) It is unlawful for a child sex offender to knowingly
4 reside within 500 feet of a school building or the real
5 property comprising any school that persons under the age of 18
6 attend. Nothing in this subsection (b-5) prohibits a child sex
7 offender from residing within 500 feet of a school building or
8 the real property comprising any school that persons under 18
9 attend if the property is owned by the child sex offender and
10 was purchased before the effective date of this amendatory Act
11 of the 91st General Assembly.

12 (c) Definitions. In this Section:

13 (1) "Child sex offender" means any person who:

14 (i) has been charged under Illinois law, or any
15 substantially similar federal law or law of another
16 state, with a sex offense set forth in paragraph (2) of
17 this subsection (c) or the attempt to commit an
18 included sex offense, and:

19 (A) is convicted of such offense or an attempt
20 to commit such offense; or

21 (B) is found not guilty by reason of insanity
22 of such offense or an attempt to commit such
23 offense; or

24 (C) is found not guilty by reason of insanity
25 pursuant to subsection (c) of Section 104-25 of the
26 Code of Criminal Procedure of 1963 of such offense

1 or an attempt to commit such offense; or

2 (D) is the subject of a finding not resulting
3 in an acquittal at a hearing conducted pursuant to
4 subsection (a) of Section 104-25 of the Code of
5 Criminal Procedure of 1963 for the alleged
6 commission or attempted commission of such
7 offense; or

8 (E) is found not guilty by reason of insanity
9 following a hearing conducted pursuant to a
10 federal law or the law of another state
11 substantially similar to subsection (c) of Section
12 104-25 of the Code of Criminal Procedure of 1963 of
13 such offense or of the attempted commission of such
14 offense; or

15 (F) is the subject of a finding not resulting
16 in an acquittal at a hearing conducted pursuant to
17 a federal law or the law of another state
18 substantially similar to subsection (a) of Section
19 104-25 of the Code of Criminal Procedure of 1963
20 for the alleged violation or attempted commission
21 of such offense; or

22 (ii) is certified as a sexually dangerous person
23 pursuant to the Illinois Sexually Dangerous Persons
24 Act, or any substantially similar federal law or the
25 law of another state, when any conduct giving rise to
26 such certification is committed or attempted against a

1 person less than 18 years of age; or

2 (iii) is subject to the provisions of Section 2 of
3 the Interstate Agreements on Sexually Dangerous
4 Persons Act.

5 Convictions that result from or are connected with the
6 same act, or result from offenses committed at the same
7 time, shall be counted for the purpose of this Section as
8 one conviction. Any conviction set aside pursuant to law is
9 not a conviction for purposes of this Section.

10 (2) Except as otherwise provided in paragraph (2.5),
11 "sex offense" means:

12 (i) A violation of any of the following Sections of
13 the Criminal Code of 1961: 10-7 (aiding or ~~and~~ abetting
14 child abduction under Section 10-5(b)(10)),
15 10-5(b)(10) (child luring), 11-6 (indecent
16 solicitation of a child), 11-6.5 (indecent
17 solicitation of an adult), 11-9 (public indecency when
18 committed in a school, on the real property comprising
19 a school, or on a conveyance, owned, leased, or
20 contracted by a school to transport students to or from
21 school or a school related activity), 11-9.1 (sexual
22 exploitation of a child), 11-15.1 (soliciting for a
23 juvenile prostitute), 11-17.1 (keeping a place of
24 juvenile prostitution), 11-18.1 (patronizing a
25 juvenile prostitute), 11-19.1 (juvenile pimping),
26 11-19.2 (exploitation of a child), 11-20.1 (child

1 pornography), 11-20.3 (aggravated child pornography),
2 11-21 (harmful material), 12-14.1 (predatory criminal
3 sexual assault of a child), 12-33 (ritualized abuse of
4 a child), 11-20 (obscenity) (when that offense was
5 committed in any school, on real property comprising
6 any school, in any conveyance owned, leased, or
7 contracted by a school to transport students to or from
8 school or a school related activity). An attempt to
9 commit any of these offenses.

10 (ii) A violation of any of the following Sections
11 of the Criminal Code of 1961, when the victim is a
12 person under 18 years of age: 12-13 (criminal sexual
13 assault), 12-14 (aggravated criminal sexual assault),
14 12-15 (criminal sexual abuse), 12-16 (aggravated
15 criminal sexual abuse). An attempt to commit any of
16 these offenses.

17 (iii) A violation of any of the following Sections
18 of the Criminal Code of 1961, when the victim is a
19 person under 18 years of age and the defendant is not a
20 parent of the victim:

21 10-1 (kidnapping),
22 10-2 (aggravated kidnapping),
23 10-3 (unlawful restraint),
24 10-3.1 (aggravated unlawful restraint).

25 An attempt to commit any of these offenses.

26 (iv) A violation of any former law of this State

1 substantially equivalent to any offense listed in
2 clause (2) (i) of subsection (c) of this Section.

3 (2.5) For the purposes of subsection (b-5) only, a sex
4 offense means:

5 (i) A violation of any of the following Sections of
6 the Criminal Code of 1961:

7 10-5(b)(10) (child luring), 10-7 (aiding or ~~and~~
8 abetting child abduction under Section 10-5(b)(10)),
9 11-6 (indecent solicitation of a child), 11-6.5
10 (indecent solicitation of an adult), 11-15.1
11 (soliciting for a juvenile prostitute), 11-17.1
12 (keeping a place of juvenile prostitution), 11-18.1
13 (patronizing a juvenile prostitute), 11-19.1 (juvenile
14 pimping), 11-19.2 (exploitation of a child), 11-20.1
15 (child pornography), 11-20.3 (aggravated child
16 pornography), 12-14.1 (predatory criminal sexual
17 assault of a child), or 12-33 (ritualized abuse of a
18 child). An attempt to commit any of these offenses.

19 (ii) A violation of any of the following Sections
20 of the Criminal Code of 1961, when the victim is a
21 person under 18 years of age: 12-13 (criminal sexual
22 assault), 12-14 (aggravated criminal sexual assault),
23 12-16 (aggravated criminal sexual abuse), and
24 subsection (a) of Section 12-15 (criminal sexual
25 abuse). An attempt to commit any of these offenses.

26 (iii) A violation of any of the following Sections

1 of the Criminal Code of 1961, when the victim is a
2 person under 18 years of age and the defendant is not a
3 parent of the victim:

4 10-1 (kidnapping),
5 10-2 (aggravated kidnapping),
6 10-3 (unlawful restraint),
7 10-3.1 (aggravated unlawful restraint).

8 An attempt to commit any of these offenses.

9 (iv) A violation of any former law of this State
10 substantially equivalent to any offense listed in this
11 paragraph (2.5) of this subsection.

12 (3) A conviction for an offense of federal law or the
13 law of another state that is substantially equivalent to
14 any offense listed in paragraph (2) of subsection (c) of
15 this Section shall constitute a conviction for the purpose
16 of this Article. A finding or adjudication as a sexually
17 dangerous person under any federal law or law of another
18 state that is substantially equivalent to the Sexually
19 Dangerous Persons Act shall constitute an adjudication for
20 the purposes of this Section.

21 (4) "School" means a public or private pre-school,
22 elementary, or secondary school.

23 (5) "Loiter" means:

24 (i) Standing, sitting idly, whether or not the
25 person is in a vehicle or remaining in or around school
26 property.

1 (ii) Standing, sitting idly, whether or not the
2 person is in a vehicle or remaining in or around school
3 property, for the purpose of committing or attempting
4 to commit a sex offense.

5 (iii) Entering or remaining in a building in or
6 around school property, other than the offender's
7 residence.

8 (6) "School official" means the principal, a teacher,
9 or any other certified employee of the school, the
10 superintendent of schools or a member of the school board.

11 (c-5) For the purposes of this Section, the 500 feet
12 distance shall be measured from the edge of the property of the
13 school building or the real property comprising the school that
14 is closest to the edge of the property of the child sex
15 offender's residence or where he or she is loitering.

16 (d) Sentence. A person who violates this Section is guilty
17 of a Class 4 felony.

18 (Source: P.A. 94-158, eff. 7-11-05; 94-164, eff. 1-1-06;
19 94-170, eff. 7-11-05; 95-331, eff. 8-21-07; 95-440, eff.
20 8-27-07; 95-640, eff. 6-1-08; 95-819, eff. 1-1-09; 95-876, eff.
21 8-21-08; revised 9-23-08.)

22 (720 ILCS 5/11-9.4)

23 (Text of Section before amendment by P.A. 95-983)

24 Sec. 11-9.4. Approaching, contacting, residing, or
25 communicating with a child within certain places by child sex

1 offenders prohibited.

2 (a) It is unlawful for a child sex offender to knowingly be
3 present in any public park building or on real property
4 comprising any public park when persons under the age of 18 are
5 present in the building or on the grounds and to approach,
6 contact, or communicate with a child under 18 years of age,
7 unless the offender is a parent or guardian of a person under
8 18 years of age present in the building or on the grounds.

9 (b) It is unlawful for a child sex offender to knowingly
10 loiter on a public way within 500 feet of a public park
11 building or real property comprising any public park while
12 persons under the age of 18 are present in the building or on
13 the grounds and to approach, contact, or communicate with a
14 child under 18 years of age, unless the offender is a parent or
15 guardian of a person under 18 years of age present in the
16 building or on the grounds.

17 (b-5) It is unlawful for a child sex offender to knowingly
18 reside within 500 feet of a playground, child care institution,
19 day care center, part day child care facility, day care home,
20 group day care home, or a facility providing programs or
21 services exclusively directed toward persons under 18 years of
22 age. Nothing in this subsection (b-5) prohibits a child sex
23 offender from residing within 500 feet of a playground or a
24 facility providing programs or services exclusively directed
25 toward persons under 18 years of age if the property is owned
26 by the child sex offender and was purchased before the

1 effective date of this amendatory Act of the 91st General
2 Assembly. Nothing in this subsection (b-5) prohibits a child
3 sex offender from residing within 500 feet of a child care
4 institution, day care center, or part day child care facility
5 if the property is owned by the child sex offender and was
6 purchased before the effective date of this amendatory Act of
7 the 94th General Assembly. Nothing in this subsection (b-5)
8 prohibits a child sex offender from residing within 500 feet of
9 a day care home or group day care home if the property is owned
10 by the child sex offender and was purchased before August 14,
11 2008 (the effective date of Public Act 95-821) ~~this amendatory~~
12 ~~Act of the 95th General Assembly.~~

13 (b-6) It is unlawful for a child sex offender to knowingly
14 reside within 500 feet of the victim of the sex offense.
15 Nothing in this subsection (b-6) prohibits a child sex offender
16 from residing within 500 feet of the victim if the property in
17 which the child sex offender resides is owned by the child sex
18 offender and was purchased before the effective date of this
19 amendatory Act of the 92nd General Assembly.

20 This subsection (b-6) does not apply if the victim of the
21 sex offense is 21 years of age or older.

22 (c) It is unlawful for a child sex offender to knowingly
23 operate, manage, be employed by, volunteer at, be associated
24 with, or knowingly be present at any: (i) facility providing
25 programs or services exclusively directed towards persons
26 under the age of 18; (ii) day care center; (iii) part day child

1 care facility; (iv) child care institution; (v) school
2 providing before and after school programs for children under
3 18 years of age; (vi) day care home; or (vii) group day care
4 home. This does not prohibit a child sex offender from owning
5 the real property upon which the programs or services are
6 offered or upon which the day care center, part day child care
7 facility, child care institution, or school providing before
8 and after school programs for children under 18 years of age is
9 located, provided the child sex offender refrains from being
10 present on the premises for the hours during which: (1) the
11 programs or services are being offered or (2) the day care
12 center, part day child care facility, child care institution,
13 school providing before and after school programs for children
14 under 18 years of age, day care home, or group day care home is
15 operated.

16 (c-5) It is unlawful for a child sex offender to knowingly
17 operate, manage, be employed by, or be associated with any
18 county fair when persons under the age of 18 are present.

19 (c-6) It is unlawful for a child sex offender who owns and
20 resides at residential real estate to knowingly rent any
21 residential unit within the same building in which he or she
22 resides to a person who is the parent or guardian of a child or
23 children under 18 years of age. This subsection shall apply
24 only to leases or other rental arrangements entered into after
25 January 1, 2009 (the effective date of Public Act 95-820) ~~this~~
26 ~~amendatory Act of the 95th General Assembly.~~

1 (c-7) ~~(e-6)~~ It is unlawful for a child sex offender to
2 knowingly offer or provide any programs or services to persons
3 under 18 years of age in his or her residence or the residence
4 of another or in any facility for the purpose of offering or
5 providing such programs or services, whether such programs or
6 services are offered or provided by contract, agreement,
7 arrangement, or on a volunteer basis.

8 (d) Definitions. In this Section:

9 (1) "Child sex offender" means any person who:

10 (i) has been charged under Illinois law, or any
11 substantially similar federal law or law of another
12 state, with a sex offense set forth in paragraph (2) of
13 this subsection (d) or the attempt to commit an
14 included sex offense, and:

15 (A) is convicted of such offense or an attempt
16 to commit such offense; or

17 (B) is found not guilty by reason of insanity
18 of such offense or an attempt to commit such
19 offense; or

20 (C) is found not guilty by reason of insanity
21 pursuant to subsection (c) of Section 104-25 of the
22 Code of Criminal Procedure of 1963 of such offense
23 or an attempt to commit such offense; or

24 (D) is the subject of a finding not resulting
25 in an acquittal at a hearing conducted pursuant to
26 subsection (a) of Section 104-25 of the Code of

1 Criminal Procedure of 1963 for the alleged
2 commission or attempted commission of such
3 offense; or

4 (E) is found not guilty by reason of insanity
5 following a hearing conducted pursuant to a
6 federal law or the law of another state
7 substantially similar to subsection (c) of Section
8 104-25 of the Code of Criminal Procedure of 1963 of
9 such offense or of the attempted commission of such
10 offense; or

11 (F) is the subject of a finding not resulting
12 in an acquittal at a hearing conducted pursuant to
13 a federal law or the law of another state
14 substantially similar to subsection (a) of Section
15 104-25 of the Code of Criminal Procedure of 1963
16 for the alleged violation or attempted commission
17 of such offense; or

18 (ii) is certified as a sexually dangerous person
19 pursuant to the Illinois Sexually Dangerous Persons
20 Act, or any substantially similar federal law or the
21 law of another state, when any conduct giving rise to
22 such certification is committed or attempted against a
23 person less than 18 years of age; or

24 (iii) is subject to the provisions of Section 2 of
25 the Interstate Agreements on Sexually Dangerous
26 Persons Act.

1 Convictions that result from or are connected with the
2 same act, or result from offenses committed at the same
3 time, shall be counted for the purpose of this Section as
4 one conviction. Any conviction set aside pursuant to law is
5 not a conviction for purposes of this Section.

6 (2) Except as otherwise provided in paragraph (2.5),
7 "sex offense" means:

8 (i) A violation of any of the following Sections of
9 the Criminal Code of 1961: 10-7 (aiding or ~~and~~ abetting
10 child abduction under Section 10-5(b)(10)),
11 10-5(b)(10) (child luring), 11-6 (indecent
12 solicitation of a child), 11-6.5 (indecent
13 solicitation of an adult), 11-9 (public indecency when
14 committed in a school, on the real property comprising
15 a school, on a conveyance owned, leased, or contracted
16 by a school to transport students to or from school or
17 a school related activity, or in a public park), 11-9.1
18 (sexual exploitation of a child), 11-15.1 (soliciting
19 for a juvenile prostitute), 11-17.1 (keeping a place of
20 juvenile prostitution), 11-18.1 (patronizing a
21 juvenile prostitute), 11-19.1 (juvenile pimping),
22 11-19.2 (exploitation of a child), 11-20.1 (child
23 pornography), 11-20.3 (aggravated child pornography),
24 11-21 (harmful material), 12-14.1 (predatory criminal
25 sexual assault of a child), 12-33 (ritualized abuse of
26 a child), 11-20 (obscenity) (when that offense was

1 committed in any school, on real property comprising
2 any school, on any conveyance owned, leased, or
3 contracted by a school to transport students to or from
4 school or a school related activity, or in a public
5 park). An attempt to commit any of these offenses.

6 (ii) A violation of any of the following Sections
7 of the Criminal Code of 1961, when the victim is a
8 person under 18 years of age: 12-13 (criminal sexual
9 assault), 12-14 (aggravated criminal sexual assault),
10 12-15 (criminal sexual abuse), 12-16 (aggravated
11 criminal sexual abuse). An attempt to commit any of
12 these offenses.

13 (iii) A violation of any of the following Sections
14 of the Criminal Code of 1961, when the victim is a
15 person under 18 years of age and the defendant is not a
16 parent of the victim:

17 10-1 (kidnapping),
18 10-2 (aggravated kidnapping),
19 10-3 (unlawful restraint),
20 10-3.1 (aggravated unlawful restraint).

21 An attempt to commit any of these offenses.

22 (iv) A violation of any former law of this State
23 substantially equivalent to any offense listed in
24 clause (2)(i) of this subsection (d).

25 (2.5) For the purposes of subsection (b-5) only, a sex
26 offense means:

1 (i) A violation of any of the following Sections of
2 the Criminal Code of 1961:

3 10-5(b)(10) (child luring), 10-7 (aiding or
4 ~~and~~ abetting child abduction under Section
5 10-5(b)(10)), 11-6 (indecent solicitation of a
6 child), 11-6.5 (indecent solicitation of an
7 adult), 11-15.1 (soliciting for a juvenile
8 prostitute), 11-17.1 (keeping a place of juvenile
9 prostitution), 11-18.1 (patronizing a juvenile
10 prostitute), 11-19.1 (juvenile pimping), 11-19.2
11 (exploitation of a child), 11-20.1 (child
12 pornography), 11-20.3 (aggravated child
13 pornography), 12-14.1 (predatory criminal sexual
14 assault of a child), or 12-33 (ritualized abuse of
15 a child). An attempt to commit any of these
16 offenses.

17 (ii) A violation of any of the following Sections
18 of the Criminal Code of 1961, when the victim is a
19 person under 18 years of age: 12-13 (criminal sexual
20 assault), 12-14 (aggravated criminal sexual assault),
21 12-16 (aggravated criminal sexual abuse), and
22 subsection (a) of Section 12-15 (criminal sexual
23 abuse). An attempt to commit any of these offenses.

24 (iii) A violation of any of the following Sections
25 of the Criminal Code of 1961, when the victim is a
26 person under 18 years of age and the defendant is not a

1 parent of the victim:

2 10-1 (kidnapping),

3 10-2 (aggravated kidnapping),

4 10-3 (unlawful restraint),

5 10-3.1 (aggravated unlawful restraint).

6 An attempt to commit any of these offenses.

7 (iv) A violation of any former law of this State
8 substantially equivalent to any offense listed in this
9 paragraph (2.5) of this subsection.

10 (3) A conviction for an offense of federal law or the
11 law of another state that is substantially equivalent to
12 any offense listed in paragraph (2) of this subsection (d)
13 shall constitute a conviction for the purpose of this
14 Section. A finding or adjudication as a sexually dangerous
15 person under any federal law or law of another state that
16 is substantially equivalent to the Sexually Dangerous
17 Persons Act shall constitute an adjudication for the
18 purposes of this Section.

19 (4) "Public park" includes a park, forest preserve, or
20 conservation area under the jurisdiction of the State or a
21 unit of local government.

22 (5) "Facility providing programs or services directed
23 towards persons under the age of 18" means any facility
24 providing programs or services exclusively directed
25 towards persons under the age of 18.

26 (6) "Loiter" means:

1 (i) Standing, sitting idly, whether or not the
2 person is in a vehicle or remaining in or around public
3 park property.

4 (ii) Standing, sitting idly, whether or not the
5 person is in a vehicle or remaining in or around public
6 park property, for the purpose of committing or
7 attempting to commit a sex offense.

8 (7) "Playground" means a piece of land owned or
9 controlled by a unit of local government that is designated
10 by the unit of local government for use solely or primarily
11 for children's recreation.

12 (8) "Child care institution" has the meaning ascribed
13 to it in Section 2.06 of the Child Care Act of 1969.

14 (9) "Day care center" has the meaning ascribed to it in
15 Section 2.09 of the Child Care Act of 1969.

16 (10) "Part day child care facility" has the meaning
17 ascribed to it in Section 2.10 of the Child Care Act of
18 1969.

19 (11) "Day care home" has the meaning ascribed to it in
20 Section 2.18 of the Child Care Act of 1969.

21 (12) "Group day care home" has the meaning ascribed to
22 it in Section 2.20 of the Child Care Act of 1969.

23 (d-5) For the purposes of this Section, the 500 feet
24 distance shall be measured from the edge of the property
25 comprising the public park building or the real property
26 comprising the public park, playground, child care

1 institution, day care center, part day child care facility, or
2 a facility providing programs or services exclusively directed
3 toward persons under 18 years of age, or a victim of the sex
4 offense who is under 21 years of age to the edge of the child
5 sex offender's place of residence or where he or she is
6 loitering.

7 (e) Sentence. A person who violates this Section is guilty
8 of a Class 4 felony.

9 (Source: P.A. 94-925, eff. 6-26-06; 95-32, eff. 1-1-08; 95-640,
10 eff. 6-1-08; 95-819, eff. 1-1-09; 95-820, eff. 1-1-09; 95-821,
11 eff. 8-14-08; 95-876, eff. 8-21-08; revised 10-20-08.)

12 (Text of Section after amendment by P.A. 95-983)

13 Sec. 11-9.4. Approaching, contacting, residing, or
14 communicating with a child within certain places by child sex
15 offenders prohibited.

16 (a) It is unlawful for a child sex offender to knowingly be
17 present in any public park building or on real property
18 comprising any public park when persons under the age of 18 are
19 present in the building or on the grounds and to approach,
20 contact, or communicate with a child under 18 years of age,
21 unless the offender is a parent or guardian of a person under
22 18 years of age present in the building or on the grounds.

23 (b) It is unlawful for a child sex offender to knowingly
24 loiter on a public way within 500 feet of a public park
25 building or real property comprising any public park while

1 persons under the age of 18 are present in the building or on
2 the grounds and to approach, contact, or communicate with a
3 child under 18 years of age, unless the offender is a parent or
4 guardian of a person under 18 years of age present in the
5 building or on the grounds.

6 (b-5) It is unlawful for a child sex offender to knowingly
7 reside within 500 feet of a playground, child care institution,
8 day care center, part day child care facility, day care home,
9 group day care home, or a facility providing programs or
10 services exclusively directed toward persons under 18 years of
11 age. Nothing in this subsection (b-5) prohibits a child sex
12 offender from residing within 500 feet of a playground or a
13 facility providing programs or services exclusively directed
14 toward persons under 18 years of age if the property is owned
15 by the child sex offender and was purchased before the
16 effective date of this amendatory Act of the 91st General
17 Assembly. Nothing in this subsection (b-5) prohibits a child
18 sex offender from residing within 500 feet of a child care
19 institution, day care center, or part day child care facility
20 if the property is owned by the child sex offender and was
21 purchased before the effective date of this amendatory Act of
22 the 94th General Assembly. Nothing in this subsection (b-5)
23 prohibits a child sex offender from residing within 500 feet of
24 a day care home or group day care home if the property is owned
25 by the child sex offender and was purchased before August 14,
26 2008 (the effective date of Public Act 95-821) ~~this amendatory~~

1 ~~Act of the 95th General Assembly.~~

2 (b-6) It is unlawful for a child sex offender to knowingly
3 reside within 500 feet of the victim of the sex offense.
4 Nothing in this subsection (b-6) prohibits a child sex offender
5 from residing within 500 feet of the victim if the property in
6 which the child sex offender resides is owned by the child sex
7 offender and was purchased before the effective date of this
8 amendatory Act of the 92nd General Assembly.

9 This subsection (b-6) does not apply if the victim of the
10 sex offense is 21 years of age or older.

11 (b-7) It is unlawful for a child sex offender to knowingly
12 communicate, other than for a lawful purpose under Illinois
13 law, using the Internet or any other digital media, with a
14 person under 18 years of age or with a person whom he or she
15 believes to be a person under 18 years of age, unless the
16 offender is a parent or guardian of the person under 18 years
17 of age.

18 (c) It is unlawful for a child sex offender to knowingly
19 operate, manage, be employed by, volunteer at, be associated
20 with, or knowingly be present at any: (i) facility providing
21 programs or services exclusively directed towards persons
22 under the age of 18; (ii) day care center; (iii) part day child
23 care facility; (iv) child care institution; (v) school
24 providing before and after school programs for children under
25 18 years of age; (vi) day care home; or (vii) group day care
26 home. This does not prohibit a child sex offender from owning

1 the real property upon which the programs or services are
2 offered or upon which the day care center, part day child care
3 facility, child care institution, or school providing before
4 and after school programs for children under 18 years of age is
5 located, provided the child sex offender refrains from being
6 present on the premises for the hours during which: (1) the
7 programs or services are being offered or (2) the day care
8 center, part day child care facility, child care institution,
9 school providing before and after school programs for children
10 under 18 years of age, day care home, or group day care home is
11 operated.

12 (c-5) It is unlawful for a child sex offender to knowingly
13 operate, manage, be employed by, or be associated with any
14 county fair when persons under the age of 18 are present.

15 (c-6) It is unlawful for a child sex offender who owns and
16 resides at residential real estate to knowingly rent any
17 residential unit within the same building in which he or she
18 resides to a person who is the parent or guardian of a child or
19 children under 18 years of age. This subsection shall apply
20 only to leases or other rental arrangements entered into after
21 January 1, 2009 (the effective date of Public Act 95-820) ~~this~~
22 ~~amendatory Act of the 95th General Assembly.~~

23 (c-7) ~~(c-6)~~ It is unlawful for a child sex offender to
24 knowingly offer or provide any programs or services to persons
25 under 18 years of age in his or her residence or the residence
26 of another or in any facility for the purpose of offering or

1 providing such programs or services, whether such programs or
2 services are offered or provided by contract, agreement,
3 arrangement, or on a volunteer basis.

4 (d) Definitions. In this Section:

5 (1) "Child sex offender" means any person who:

6 (i) has been charged under Illinois law, or any
7 substantially similar federal law or law of another
8 state, with a sex offense set forth in paragraph (2) of
9 this subsection (d) or the attempt to commit an
10 included sex offense, and:

11 (A) is convicted of such offense or an attempt
12 to commit such offense; or

13 (B) is found not guilty by reason of insanity
14 of such offense or an attempt to commit such
15 offense; or

16 (C) is found not guilty by reason of insanity
17 pursuant to subsection (c) of Section 104-25 of the
18 Code of Criminal Procedure of 1963 of such offense
19 or an attempt to commit such offense; or

20 (D) is the subject of a finding not resulting
21 in an acquittal at a hearing conducted pursuant to
22 subsection (a) of Section 104-25 of the Code of
23 Criminal Procedure of 1963 for the alleged
24 commission or attempted commission of such
25 offense; or

26 (E) is found not guilty by reason of insanity

1 following a hearing conducted pursuant to a
2 federal law or the law of another state
3 substantially similar to subsection (c) of Section
4 104-25 of the Code of Criminal Procedure of 1963 of
5 such offense or of the attempted commission of such
6 offense; or

7 (F) is the subject of a finding not resulting
8 in an acquittal at a hearing conducted pursuant to
9 a federal law or the law of another state
10 substantially similar to subsection (a) of Section
11 104-25 of the Code of Criminal Procedure of 1963
12 for the alleged violation or attempted commission
13 of such offense; or

14 (ii) is certified as a sexually dangerous person
15 pursuant to the Illinois Sexually Dangerous Persons
16 Act, or any substantially similar federal law or the
17 law of another state, when any conduct giving rise to
18 such certification is committed or attempted against a
19 person less than 18 years of age; or

20 (iii) is subject to the provisions of Section 2 of
21 the Interstate Agreements on Sexually Dangerous
22 Persons Act.

23 Convictions that result from or are connected with the
24 same act, or result from offenses committed at the same
25 time, shall be counted for the purpose of this Section as
26 one conviction. Any conviction set aside pursuant to law is

1 not a conviction for purposes of this Section.

2 (2) Except as otherwise provided in paragraph (2.5),
3 "sex offense" means:

4 (i) A violation of any of the following Sections of
5 the Criminal Code of 1961: 10-7 (aiding or ~~and~~ abetting
6 child abduction under Section 10-5(b)(10)),
7 10-5(b)(10) (child luring), 11-6 (indecent
8 solicitation of a child), 11-6.5 (indecent
9 solicitation of an adult), 11-9 (public indecency when
10 committed in a school, on the real property comprising
11 a school, on a conveyance owned, leased, or contracted
12 by a school to transport students to or from school or
13 a school related activity, or in a public park), 11-9.1
14 (sexual exploitation of a child), 11-15.1 (soliciting
15 for a juvenile prostitute), 11-17.1 (keeping a place of
16 juvenile prostitution), 11-18.1 (patronizing a
17 juvenile prostitute), 11-19.1 (juvenile pimping),
18 11-19.2 (exploitation of a child), 11-20.1 (child
19 pornography), 11-20.3 (aggravated child pornography),
20 11-21 (harmful material), 12-14.1 (predatory criminal
21 sexual assault of a child), 12-33 (ritualized abuse of
22 a child), 11-20 (obscenity) (when that offense was
23 committed in any school, on real property comprising
24 any school, on any conveyance owned, leased, or
25 contracted by a school to transport students to or from
26 school or a school related activity, or in a public

1 park). An attempt to commit any of these offenses.

2 (ii) A violation of any of the following Sections
3 of the Criminal Code of 1961, when the victim is a
4 person under 18 years of age: 12-13 (criminal sexual
5 assault), 12-14 (aggravated criminal sexual assault),
6 12-15 (criminal sexual abuse), 12-16 (aggravated
7 criminal sexual abuse). An attempt to commit any of
8 these offenses.

9 (iii) A violation of any of the following Sections
10 of the Criminal Code of 1961, when the victim is a
11 person under 18 years of age and the defendant is not a
12 parent of the victim:

13 10-1 (kidnapping),
14 10-2 (aggravated kidnapping),
15 10-3 (unlawful restraint),
16 10-3.1 (aggravated unlawful restraint).

17 An attempt to commit any of these offenses.

18 (iv) A violation of any former law of this State
19 substantially equivalent to any offense listed in
20 clause (2)(i) of this subsection (d).

21 (2.5) For the purposes of subsection (b-5) only, a sex
22 offense means:

23 (i) A violation of any of the following Sections of
24 the Criminal Code of 1961:

25 10-5(b)(10) (child luring), 10-7 (aiding or
26 ~~and~~ abetting child abduction under Section

1 10-5(b)(10)), 11-6 (indecent solicitation of a
2 child), 11-6.5 (indecent solicitation of an
3 adult), 11-15.1 (soliciting for a juvenile
4 prostitute), 11-17.1 (keeping a place of juvenile
5 prostitution), 11-18.1 (patronizing a juvenile
6 prostitute), 11-19.1 (juvenile pimping), 11-19.2
7 (exploitation of a child), 11-20.1 (child
8 pornography), 11-20.3 (aggravated child
9 pornography), 12-14.1 (predatory criminal sexual
10 assault of a child), or 12-33 (ritualized abuse of
11 a child). An attempt to commit any of these
12 offenses.

13 (ii) A violation of any of the following Sections
14 of the Criminal Code of 1961, when the victim is a
15 person under 18 years of age: 12-13 (criminal sexual
16 assault), 12-14 (aggravated criminal sexual assault),
17 12-16 (aggravated criminal sexual abuse), and
18 subsection (a) of Section 12-15 (criminal sexual
19 abuse). An attempt to commit any of these offenses.

20 (iii) A violation of any of the following Sections
21 of the Criminal Code of 1961, when the victim is a
22 person under 18 years of age and the defendant is not a
23 parent of the victim:

24 10-1 (kidnapping),
25 10-2 (aggravated kidnapping),
26 10-3 (unlawful restraint),

1 10-3.1 (aggravated unlawful restraint).

2 An attempt to commit any of these offenses.

3 (iv) A violation of any former law of this State
4 substantially equivalent to any offense listed in this
5 paragraph (2.5) of this subsection.

6 (3) A conviction for an offense of federal law or the
7 law of another state that is substantially equivalent to
8 any offense listed in paragraph (2) of this subsection (d)
9 shall constitute a conviction for the purpose of this
10 Section. A finding or adjudication as a sexually dangerous
11 person under any federal law or law of another state that
12 is substantially equivalent to the Sexually Dangerous
13 Persons Act shall constitute an adjudication for the
14 purposes of this Section.

15 (4) "Public park" includes a park, forest preserve, or
16 conservation area under the jurisdiction of the State or a
17 unit of local government.

18 (5) "Facility providing programs or services directed
19 towards persons under the age of 18" means any facility
20 providing programs or services exclusively directed
21 towards persons under the age of 18.

22 (6) "Loiter" means:

23 (i) Standing, sitting idly, whether or not the
24 person is in a vehicle or remaining in or around public
25 park property.

26 (ii) Standing, sitting idly, whether or not the

1 person is in a vehicle or remaining in or around public
2 park property, for the purpose of committing or
3 attempting to commit a sex offense.

4 (7) "Playground" means a piece of land owned or
5 controlled by a unit of local government that is designated
6 by the unit of local government for use solely or primarily
7 for children's recreation.

8 (8) "Child care institution" has the meaning ascribed
9 to it in Section 2.06 of the Child Care Act of 1969.

10 (9) "Day care center" has the meaning ascribed to it in
11 Section 2.09 of the Child Care Act of 1969.

12 (10) "Part day child care facility" has the meaning
13 ascribed to it in Section 2.10 of the Child Care Act of
14 1969.

15 (11) "Day care home" has the meaning ascribed to it in
16 Section 2.18 of the Child Care Act of 1969.

17 (12) "Group day care home" has the meaning ascribed to
18 it in Section 2.20 of the Child Care Act of 1969.

19 (13) ~~(11)~~ "Internet" means an interactive computer
20 service or system or an information service, system, or
21 access software provider that provides or enables computer
22 access by multiple users to a computer server, and
23 includes, but is not limited to, an information service,
24 system, or access software provider that provides access to
25 a network system commonly known as the Internet, or any
26 comparable system or service and also includes, but is not

1 limited to, a World Wide Web page, newsgroup, message
2 board, mailing list, or chat area on any interactive
3 computer service or system or other online service.

4 (d-5) For the purposes of this Section, the 500 feet
5 distance shall be measured from the edge of the property
6 comprising the public park building or the real property
7 comprising the public park, playground, child care
8 institution, day care center, part day child care facility, or
9 a facility providing programs or services exclusively directed
10 toward persons under 18 years of age, or a victim of the sex
11 offense who is under 21 years of age to the edge of the child
12 sex offender's place of residence or where he or she is
13 loitering.

14 (e) Sentence. A person who violates this Section is guilty
15 of a Class 4 felony.

16 (Source: P.A. 94-925, eff. 6-26-06; 95-32, eff. 1-1-08; 95-640,
17 eff. 6-1-08; 95-819, eff. 1-1-09; 95-820, eff. 1-1-09; 95-821,
18 eff. 8-14-08; 95-876, eff. 8-21-08; 95-983, eff. 6-1-09;
19 revised 10-20-08.)

20 (720 ILCS 5/25-1) (from Ch. 38, par. 25-1)

21 Sec. 25-1. Mob action.

22 (a) A person commits the offense of mob ~~Mob~~ action when he
23 or she engages in ~~consists of~~ any of the following:

24 (1) the knowing or reckless ~~The~~ use of force or
25 violence disturbing the public peace by 2 or more persons

1 acting together and without authority of law; ~~or~~

2 (2) the knowing ~~The~~ assembly of 2 or more persons with
3 the intent to commit or facilitate the commission of a
4 felony or misdemeanor ~~to do an unlawful act~~; or

5 (3) the knowing ~~The~~ assembly of 2 or more persons,
6 without authority of law, for the purpose of doing violence
7 to the person or property of anyone ~~any one~~ supposed to
8 have been guilty of a violation of the law, or for the
9 purpose of exercising correctional powers or regulative
10 powers over any person by violence.

11 (b) Mob action as defined in paragraph (1) of subsection
12 (a) is a Class 4 felony.

13 (c) Mob action as defined in paragraphs (2) and (3) of
14 subsection (a) is a Class C misdemeanor.

15 (d) Any participant in a mob action that ~~which shall~~ by
16 violence inflicts ~~inflict~~ injury to the person or property of
17 another commits a Class 4 felony.

18 (e) Any participant in a mob action who does not withdraw
19 on being commanded to do so by any peace officer commits a
20 Class A misdemeanor.

21 (f) In addition to any other sentence that may be imposed,
22 a court shall order any person convicted of mob action to
23 perform community service for not less than 30 and not more
24 than 120 hours, if community service is available in the
25 jurisdiction and is funded and approved by the county board of
26 the county where the offense was committed. In addition,

1 whenever any person is placed on supervision for an alleged
2 offense under this Section, the supervision shall be
3 conditioned upon the performance of the community service.

4 This subsection does not apply when the court imposes a
5 sentence of incarceration.

6 (Source: P.A. 88-558, eff. 1-1-95; 89-8, eff. 3-21-95.)

7 (720 ILCS 5/25-4 new)

8 Sec. 25-4. Looting by individuals.

9 (a) A person commits the offense of looting when he or she
10 knowingly without authority of law or the owner enters any home
11 or dwelling or upon any premises of another, or enters any
12 commercial, mercantile, business, or industrial building,
13 plant, or establishment, in which normal security of property
14 is not present by virtue of a hurricane, fire, or vis major of
15 any kind or by virtue of a riot, mob, or other human agency,
16 and obtains or exerts control over property of the owner.

17 (b) Sentence. Looting is a Class 4 felony. In addition to
18 any other penalty imposed, the court shall impose a sentence of
19 at least 100 hours of community service as determined by the
20 court and shall require the defendant to make restitution to
21 the owner of the property looted pursuant to Section 5-5-6 of
22 the Unified Code of Corrections.

23 (720 ILCS 5/25-5) (was 720 ILCS 5/25-1.1)

24 Sec. 25-5 ~~25-1.1~~. Unlawful contact with streetgang

1 members.

2 (a) A person commits the offense of unlawful contact with
3 streetgang members when:

4 (1) he ~~He~~ or she knowingly has direct or indirect
5 contact with a streetgang member as defined in Section 10
6 of the Illinois Streetgang Terrorism Omnibus Prevention
7 Act after having been sentenced to probation, conditional
8 discharge, or supervision for a criminal offense with a
9 condition of that ~~such~~ sentence being to refrain from
10 direct or indirect contact with a streetgang member or
11 members; or

12 (2) he ~~He~~ or she knowingly has direct or indirect
13 contact with a streetgang member as defined in Section 10
14 of the Illinois Streetgang Terrorism Omnibus Prevention
15 Act after having been released on bond for any criminal
16 offense with a condition of that ~~such~~ bond being to refrain
17 from direct or indirect contact with a streetgang member or
18 members.

19 (b) Unlawful contact with streetgang members is a Class A
20 misdemeanor.

21 (c) This Section does not apply to a person when the only
22 streetgang member or members he or she is with is a family or
23 household member or members as defined in paragraph (3) of
24 Section 112A-3 of the Code of Criminal Procedure of 1963 and
25 the streetgang members are not engaged in any
26 streetgang-related ~~streetgang-related~~ activity.

1 (Source: P.A. 90-795, eff. 8-14-98; 91-357, eff. 7-29-99.)

2 (720 ILCS 5/25-6) (was 720 ILCS 5/25-2)

3 Sec. 25-6 ~~25-2~~. Removal of chief of police or sheriff for
4 allowing a person in his or her custody to be lynched.

5 (a) If a prisoner is taken from the custody of any
6 policeman or chief of police of any municipality ~~city, town or~~
7 ~~village~~ and lynched, it shall be prima facie evidence of
8 wrong-doing on the part of that ~~such~~ chief of police and he or
9 she shall be suspended. The mayor or chief executive of the
10 municipality ~~such city, town or village~~ shall appoint an acting
11 chief of police until he or she has ascertained whether the
12 suspended chief of police had ~~has~~ done all in his or her power
13 to protect the life of the prisoner. If, upon hearing all
14 evidence and argument, the mayor or chief executive finds that
15 the chief of police had ~~has~~ done his or her utmost to protect
16 the prisoner, he or she may reinstate the chief of police; but,
17 if he or she finds the chief of police guilty of not properly
18 protecting the prisoner, a new chief of police shall be
19 appointed. Any chief of police replaced is ~~shall~~ not be
20 eligible to serve again in that ~~such~~ office.

21 (b) If a prisoner is taken from the custody of any sheriff
22 or his or her deputy and lynched, it is ~~shall be~~ prima facie
23 evidence of wrong-doing on the part of that ~~such~~ sheriff and he
24 or she shall be suspended. The Governor ~~governor~~ shall appoint
25 an acting sheriff until he or she has ascertained whether the

1 suspended sheriff had ~~has~~ done all in his or her power to
2 protect the life of the prisoner. If, upon hearing all evidence
3 and argument, the Governor ~~governor~~ finds that the sheriff had
4 ~~has~~ done his or her utmost to protect the prisoner, he or she
5 shall reinstate the sheriff; but, if he or she finds the
6 sheriff guilty of not properly protecting the prisoner, a new
7 sheriff shall be duly elected or appointed, pursuant to the
8 existing law provided for the filling of vacancies in that ~~such~~
9 office. Any sheriff replaced is ~~shall~~ not ~~be~~ eligible to serve
10 again in that ~~such~~ office.

11 (Source: Laws 1961, p. 1983.)

12 (720 ILCS 5/29B-1) (from Ch. 38, par. 29B-1)

13 Sec. 29B-1. (a) A person commits the offense of money
14 laundering:

15 (1) when, knowing that the property involved in a
16 financial transaction represents the proceeds of some form
17 of unlawful activity, he or she conducts or attempts to
18 conduct such a financial transaction which in fact involves
19 criminally derived property:

20 (A) with the intent to promote the carrying on of
21 the unlawful activity from which the criminally
22 derived property was obtained; or

23 (B) where he or she knows or reasonably should know
24 that the financial transaction is designed in whole or
25 in part:

1 (i) to conceal or disguise the nature, the
2 location, the source, the ownership or the control
3 of the criminally derived property; or

4 (ii) to avoid a transaction reporting
5 requirement under State law; or

6 (1.5) when he or she transports, transmits, or
7 transfers, or attempts to transport, transmit, or transfer
8 a monetary instrument:

9 (A) with the intent to promote the carrying on of
10 the unlawful activity from which the criminally
11 derived property was obtained; or

12 (B) knowing, or having reason to know, that the
13 financial transaction is designed in whole or in part:

14 (i) to conceal or disguise the nature, the
15 location, the source, the ownership or the control
16 of the criminally derived property; or

17 (ii) to avoid a transaction reporting
18 requirement under State law; or

19 (2) when, with the intent to:

20 (A) promote the carrying on of a specified criminal
21 activity as defined in this Article; or

22 (B) conceal or disguise the nature, location,
23 source, ownership, or control of property believed to
24 be the proceeds of a specified criminal activity as
25 defined by subdivision (b) (6); or

26 (C) avoid a transaction reporting requirement

1 under State law,
2 he or she conducts or attempts to conduct a financial
3 transaction involving property he or she believes to be the
4 proceeds of specified criminal activity as defined by
5 subdivision (b) (6) or property used to conduct or
6 facilitate specified criminal activity as defined by
7 subdivision (b) (6).

8 (b) As used in this Section:

9 (0.5) "Knowing that the property involved in a
10 financial transaction represents the proceeds of some form
11 of unlawful activity" means that the person knew the
12 property involved in the transaction represented proceeds
13 from some form, though not necessarily which form, of
14 activity that constitutes a felony under State, federal, or
15 foreign law, regardless of whether or not such activity is
16 specified in subdivision (b) (4).

17 (1) "Financial transaction" means a purchase, sale,
18 loan, pledge, gift, transfer, delivery or other
19 disposition utilizing criminally derived property, and
20 with respect to financial institutions, includes a
21 deposit, withdrawal, transfer between accounts, exchange
22 of currency, loan, extension of credit, purchase or sale of
23 any stock, bond, certificate of deposit or other monetary
24 instrument, use of safe deposit box, or any other payment,
25 transfer or delivery by, through, or to a financial
26 institution. For purposes of clause (a) (2) of this Section,

1 the term "financial transaction" also means a transaction
2 which without regard to whether the funds, monetary
3 instruments, or real or personal property involved in the
4 transaction are criminally derived, any transaction which
5 in any way or degree: (1) involves the movement of funds by
6 wire or any other means; (2) involves one or more monetary
7 instruments; or (3) the transfer of title to any real or
8 personal property. The receipt by an attorney of bona fide
9 fees for the purpose of legal representation is not a
10 financial transaction for purposes of this Section.

11 (2) "Financial institution" means any bank; saving and
12 loan association; trust company; agency or branch of a
13 foreign bank in the United States; currency exchange;
14 credit union, mortgage banking institution; pawnbroker;
15 loan or finance company; operator of a credit card system;
16 issuer, redeemer or cashier of travelers checks, checks or
17 money orders; dealer in precious metals, stones or jewels;
18 broker or dealer in securities or commodities; investment
19 banker; or investment company.

20 (3) "Monetary instrument" means United States coins
21 and currency; coins and currency of a foreign country;
22 travelers checks; personal checks, bank checks, and money
23 orders; investment securities; bearer negotiable
24 instruments; bearer investment securities; or bearer
25 securities and certificates of stock in such form that
26 title thereto passes upon delivery.

1 (4) "Criminally derived property" means: (A) any
2 property, real or personal, constituting or derived from
3 proceeds obtained, directly or indirectly, pursuant to a
4 violation of the Criminal Code of 1961, the Illinois
5 Controlled Substances Act, the Cannabis Control Act, or the
6 Methamphetamine Control and Community Protection Act; or
7 (B) any property represented to be property constituting or
8 derived from proceeds obtained, directly or indirectly,
9 pursuant to a violation of this Code, the Illinois
10 Controlled Substances Act, the Cannabis Control Act, or the
11 Methamphetamine Control and Community Protection Act.

12 (5) "Conduct" or "conducts" includes, in addition to
13 its ordinary meaning, initiating, concluding, or
14 participating in initiating or concluding a transaction.

15 (6) "Specified criminal activity" means any violation
16 of Section 29D-15.1 ~~20.5-5~~ (720 ILCS 5/29D-15.1 ~~5/20.5-5~~)
17 and any violation of Article 29D of this Code.

18 (7) "Director" means the Director of State Police or
19 his or her designated agents.

20 (8) "Department" means the Department of State Police
21 of the State of Illinois or its successor agency.

22 (9) "Transaction reporting requirement under State
23 law" means any violation as defined under the Currency
24 Reporting Act.

25 (c) Sentence.

26 (1) Laundering of criminally derived property of a

1 value not exceeding \$10,000 is a Class 3 felony;

2 (2) Laundering of criminally derived property of a
3 value exceeding \$10,000 but not exceeding \$100,000 is a
4 Class 2 felony;

5 (3) Laundering of criminally derived property of a
6 value exceeding \$100,000 but not exceeding \$500,000 is a
7 Class 1 felony;

8 (4) Money laundering in violation of subsection (a) (2)
9 of this Section is a Class X felony;

10 (5) Laundering of criminally derived property of a
11 value exceeding \$500,000 is a Class 1 non-probationable
12 felony.

13 (d) Evidence. In a prosecution under this Article, either
14 party may introduce the following evidence pertaining to the
15 issue of whether the property or proceeds were known to be some
16 form of criminally derived property or from some form of
17 unlawful activity:

18 (1) A financial transaction was conducted or
19 structured or attempted in violation of the reporting
20 requirements of any State or federal law; or

21 (2) A financial transaction was conducted or attempted
22 with the use of a false or fictitious name or a forged
23 instrument; or

24 (3) A falsely altered or completed written instrument
25 or a written instrument that contains any materially false
26 personal identifying information was made, used, offered

1 or presented, whether accepted or not, in connection with a
2 financial transaction; or

3 (4) A financial transaction was structured or
4 attempted to be structured so as to falsely report the
5 actual consideration or value of the transaction; or

6 (5) A money transmitter, a person engaged in a trade or
7 business or any employee of a money transmitter or a person
8 engaged in a trade or business, knows or reasonably should
9 know that false personal identifying information has been
10 presented and incorporates the false personal identifying
11 information into any report or record; or

12 (6) The criminally derived property is transported or
13 possessed in a fashion inconsistent with the ordinary or
14 usual means of transportation or possession of such
15 property and where the property is discovered in the
16 absence of any documentation or other indicia of legitimate
17 origin or right to such property; or

18 (7) A person pays or receives substantially less than
19 face value for one or more monetary instruments; or

20 (8) A person engages in a transaction involving one or
21 more monetary instruments, where the physical condition or
22 form of the monetary instrument or instruments makes it
23 apparent that they are not the product of bona fide
24 business or financial transactions.

25 (e) Duty to enforce this Article.

26 (1) It is the duty of the Department of State Police,

1 and its agents, officers, and investigators, to enforce all
2 provisions of this Article, except those specifically
3 delegated, and to cooperate with all agencies charged with
4 the enforcement of the laws of the United States, or of any
5 state, relating to money laundering. Only an agent,
6 officer, or investigator designated by the Director may be
7 authorized in accordance with this Section to serve seizure
8 notices, warrants, subpoenas, and summonses under the
9 authority of this State.

10 (2) Any agent, officer, investigator, or peace officer
11 designated by the Director may: (A) make seizure of
12 property pursuant to the provisions of this Article; and
13 (B) perform such other law enforcement duties as the
14 Director designates. It is the duty of all State's
15 Attorneys to prosecute violations of this Article and
16 institute legal proceedings as authorized under this
17 Article.

18 (f) Protective orders.

19 (1) Upon application of the State, the court may enter
20 a restraining order or injunction, require the execution of
21 a satisfactory performance bond, or take any other action
22 to preserve the availability of property described in
23 subsection (h) for forfeiture under this Article:

24 (A) upon the filing of an indictment, information,
25 or complaint charging a violation of this Article for
26 which forfeiture may be ordered under this Article and

1 alleging that the property with respect to which the
2 order is sought would be subject to forfeiture under
3 this Article; or

4 (B) prior to the filing of such an indictment,
5 information, or complaint, if, after notice to persons
6 appearing to have an interest in the property and
7 opportunity for a hearing, the court determines that:

8 (i) there is probable cause to believe that the
9 State will prevail on the issue of forfeiture and
10 that failure to enter the order will result in the
11 property being destroyed, removed from the
12 jurisdiction of the court, or otherwise made
13 unavailable for forfeiture; and

14 (ii) the need to preserve the availability of
15 the property through the entry of the requested
16 order outweighs the hardship on any party against
17 whom the order is to be entered.

18 Provided, however, that an order entered pursuant
19 to subparagraph (B) shall be effective for not more
20 than 90 days, unless extended by the court for good
21 cause shown or unless an indictment, information,
22 complaint, or administrative notice has been filed.

23 (2) A temporary restraining order under this
24 subsection may be entered upon application of the State
25 without notice or opportunity for a hearing when an
26 indictment, information, complaint, or administrative

1 notice has not yet been filed with respect to the property,
2 if the State demonstrates that there is probable cause to
3 believe that the property with respect to which the order
4 is sought would be subject to forfeiture under this Section
5 and that provision of notice will jeopardize the
6 availability of the property for forfeiture. Such a
7 temporary order shall expire not more than 30 days after
8 the date on which it is entered, unless extended for good
9 cause shown or unless the party against whom it is entered
10 consents to an extension for a longer period. A hearing
11 requested concerning an order entered under this paragraph
12 shall be held at the earliest possible time and prior to
13 the expiration of the temporary order.

14 (3) The court may receive and consider, at a hearing
15 held pursuant to this subsection (f), evidence and
16 information that would be inadmissible under the Illinois
17 rules of evidence.

18 (4) Order to repatriate and deposit.

19 (A) In general. Pursuant to its authority to enter
20 a pretrial restraining order under this Section, the
21 court may order a defendant to repatriate any property
22 that may be seized and forfeited and to deposit that
23 property pending trial with the Illinois State Police
24 or another law enforcement agency designated by the
25 Illinois State Police.

26 (B) Failure to comply. Failure to comply with an

1 order under this subsection (f) is punishable as a
2 civil or criminal contempt of court.

3 (g) Warrant of seizure. The State may request the issuance
4 of a warrant authorizing the seizure of property described in
5 subsection (h) in the same manner as provided for a search
6 warrant. If the court determines that there is probable cause
7 to believe that the property to be seized would be subject to
8 forfeiture, the court shall issue a warrant authorizing the
9 seizure of such property.

10 (h) Forfeiture.

11 (1) The following are subject to forfeiture:

12 (A) any property, real or personal, constituting,
13 derived from, or traceable to any proceeds the person
14 obtained directly or indirectly, as a result of a
15 violation of this Article;

16 (B) any of the person's property used, or intended
17 to be used, in any manner or part, to commit, or to
18 facilitate the commission of, a violation of this
19 Article;

20 (C) all conveyances, including aircraft, vehicles
21 or vessels, which are used, or intended for use, to
22 transport, or in any manner to facilitate the
23 transportation, sale, receipt, possession, or
24 concealment of property described in subparagraphs (A)
25 and (B), but:

26 (i) no conveyance used by any person as a

1 common carrier in the transaction of business as a
2 common carrier is subject to forfeiture under this
3 Section unless it appears that the owner or other
4 person in charge of the conveyance is a consenting
5 party or privy to a violation of this Article;

6 (ii) no conveyance is subject to forfeiture
7 under this Section by reason of any act or omission
8 which the owner proves to have been committed or
9 omitted without his or her knowledge or consent;

10 (iii) a forfeiture of a conveyance encumbered
11 by a bona fide security interest is subject to the
12 interest of the secured party if he or she neither
13 had knowledge of nor consented to the act or
14 omission;

15 (D) all real property, including any right, title,
16 and interest (including, but not limited to, any
17 leasehold interest or the beneficial interest in a land
18 trust) in the whole of any lot or tract of land and any
19 appurtenances or improvements, which is used or
20 intended to be used, in any manner or part, to commit,
21 or in any manner to facilitate the commission of, any
22 violation of this Article or that is the proceeds of
23 any violation or act that constitutes a violation of
24 this Article.

25 (2) Property subject to forfeiture under this Article
26 may be seized by the Director or any peace officer upon

1 process or seizure warrant issued by any court having
2 jurisdiction over the property. Seizure by the Director or
3 any peace officer without process may be made:

4 (A) if the seizure is incident to a seizure
5 warrant;

6 (B) if the property subject to seizure has been the
7 subject of a prior judgment in favor of the State in a
8 criminal proceeding, or in an injunction or forfeiture
9 proceeding based upon this Article;

10 (C) if there is probable cause to believe that the
11 property is directly or indirectly dangerous to health
12 or safety;

13 (D) if there is probable cause to believe that the
14 property is subject to forfeiture under this Article
15 and the property is seized under circumstances in which
16 a warrantless seizure or arrest would be reasonable; or

17 (E) in accordance with the Code of Criminal
18 Procedure of 1963.

19 (3) In the event of seizure pursuant to paragraph (2),
20 forfeiture proceedings shall be instituted in accordance
21 with subsections (i) through (r).

22 (4) Property taken or detained under this Section shall
23 not be subject to replevin, but is deemed to be in the
24 custody of the Director subject only to the order and
25 judgments of the circuit court having jurisdiction over the
26 forfeiture proceedings and the decisions of the State's

1 Attorney under this Article. When property is seized under
2 this Article, the seizing agency shall promptly conduct an
3 inventory of the seized property and estimate the
4 property's value and shall forward a copy of the inventory
5 of seized property and the estimate of the property's value
6 to the Director. Upon receiving notice of seizure, the
7 Director may:

8 (A) place the property under seal;

9 (B) remove the property to a place designated by
10 the Director;

11 (C) keep the property in the possession of the
12 seizing agency;

13 (D) remove the property to a storage area for
14 safekeeping or, if the property is a negotiable
15 instrument or money and is not needed for evidentiary
16 purposes, deposit it in an interest bearing account;

17 (E) place the property under constructive seizure
18 by posting notice of pending forfeiture on it, by
19 giving notice of pending forfeiture to its owners and
20 interest holders, or by filing notice of pending
21 forfeiture in any appropriate public record relating
22 to the property; or

23 (F) provide for another agency or custodian,
24 including an owner, secured party, or lienholder, to
25 take custody of the property upon the terms and
26 conditions set by the Director.

1 (5) When property is forfeited under this Article, the
2 Director shall sell all such property unless such property
3 is required by law to be destroyed or is harmful to the
4 public, and shall distribute the proceeds of the sale,
5 together with any moneys forfeited or seized, in accordance
6 with paragraph (6). However, upon the application of the
7 seizing agency or prosecutor who was responsible for the
8 investigation, arrest or arrests and prosecution which
9 lead to the forfeiture, the Director may return any item of
10 forfeited property to the seizing agency or prosecutor for
11 official use in the enforcement of laws, if the agency or
12 prosecutor can demonstrate that the item requested would be
13 useful to the agency or prosecutor in its enforcement
14 efforts. When any real property returned to the seizing
15 agency is sold by the agency or its unit of government, the
16 proceeds of the sale shall be delivered to the Director and
17 distributed in accordance with paragraph (6).

18 (6) All monies and the sale proceeds of all other
19 property forfeited and seized under this Article shall be
20 distributed as follows:

21 (A) 65% shall be distributed to the metropolitan
22 enforcement group, local, municipal, county, or State
23 law enforcement agency or agencies which conducted or
24 participated in the investigation resulting in the
25 forfeiture. The distribution shall bear a reasonable
26 relationship to the degree of direct participation of

1 the law enforcement agency in the effort resulting in
2 the forfeiture, taking into account the total value of
3 the property forfeited and the total law enforcement
4 effort with respect to the violation of the law upon
5 which the forfeiture is based. Amounts distributed to
6 the agency or agencies shall be used for the
7 enforcement of laws.

8 (B) (i) 12.5% shall be distributed to the Office of
9 the State's Attorney of the county in which the
10 prosecution resulting in the forfeiture was
11 instituted, deposited in a special fund in the county
12 treasury and appropriated to the State's Attorney for
13 use in the enforcement of laws. In counties over
14 3,000,000 population, 25% shall be distributed to the
15 Office of the State's Attorney for use in the
16 enforcement of laws. If the prosecution is undertaken
17 solely by the Attorney General, the portion provided
18 hereunder shall be distributed to the Attorney General
19 for use in the enforcement of laws.

20 (ii) 12.5% shall be distributed to the Office
21 of the State's Attorneys Appellate Prosecutor and
22 deposited in the Narcotics Profit Forfeiture Fund
23 of that office to be used for additional expenses
24 incurred in the investigation, prosecution and
25 appeal of cases arising under laws. The Office of
26 the State's Attorneys Appellate Prosecutor shall

1 not receive distribution from cases brought in
2 counties with over 3,000,000 population.

3 (C) 10% shall be retained by the Department of
4 State Police for expenses related to the
5 administration and sale of seized and forfeited
6 property.

7 (i) Notice to owner or interest holder.

8 (1) Whenever notice of pending forfeiture or service of
9 an in rem complaint is required under the provisions of
10 this Article, such notice or service shall be given as
11 follows:

12 (A) If the owner's or interest holder's name and
13 current address are known, then by either personal
14 service or mailing a copy of the notice by certified
15 mail, return receipt requested, to that address. For
16 purposes of notice under this Section, if a person has
17 been arrested for the conduct giving rise to the
18 forfeiture, then the address provided to the arresting
19 agency at the time of arrest shall be deemed to be that
20 person's known address. Provided, however, if an owner
21 or interest holder's address changes prior to the
22 effective date of the notice of pending forfeiture, the
23 owner or interest holder shall promptly notify the
24 seizing agency of the change in address or, if the
25 owner or interest holder's address changes subsequent
26 to the effective date of the notice of pending

1 forfeiture, the owner or interest holder shall
2 promptly notify the State's Attorney of the change in
3 address; or

4 (B) If the property seized is a conveyance, to the
5 address reflected in the office of the agency or
6 official in which title or interest to the conveyance
7 is required by law to be recorded, then by mailing a
8 copy of the notice by certified mail, return receipt
9 requested, to that address; or

10 (C) If the owner's or interest holder's address is
11 not known, and is not on record as provided in
12 paragraph (B), then by publication for 3 successive
13 weeks in a newspaper of general circulation in the
14 county in which the seizure occurred.

15 (2) Notice served under this Article is effective upon
16 personal service, the last date of publication, or the
17 mailing of written notice, whichever is earlier.

18 (j) Notice to State's Attorney. The law enforcement agency
19 seizing property for forfeiture under this Article shall,
20 within 90 days after seizure, notify the State's Attorney for
21 the county, either where an act or omission giving rise to the
22 forfeiture occurred or where the property was seized, of the
23 seizure of the property and the facts and circumstances giving
24 rise to the seizure and shall provide the State's Attorney with
25 the inventory of the property and its estimated value. When the
26 property seized for forfeiture is a vehicle, the law

1 enforcement agency seizing the property shall immediately
2 notify the Secretary of State that forfeiture proceedings are
3 pending regarding such vehicle.

4 (k) Non-judicial forfeiture. If non-real property that
5 exceeds \$20,000 in value excluding the value of any conveyance,
6 or if real property is seized under the provisions of this
7 Article, the State's Attorney shall institute judicial in rem
8 forfeiture proceedings as described in subsection (l) of this
9 Section within 45 days from receipt of notice of seizure from
10 the seizing agency under subsection (j) of this Section.
11 However, if non-real property that does not exceed \$20,000 in
12 value excluding the value of any conveyance is seized, the
13 following procedure shall be used:

14 (1) If, after review of the facts surrounding the
15 seizure, the State's Attorney is of the opinion that the
16 seized property is subject to forfeiture, then within 45
17 days after the receipt of notice of seizure from the
18 seizing agency, the State's Attorney shall cause notice of
19 pending forfeiture to be given to the owner of the property
20 and all known interest holders of the property in
21 accordance with subsection (i) of this Section.

22 (2) The notice of pending forfeiture must include a
23 description of the property, the estimated value of the
24 property, the date and place of seizure, the conduct giving
25 rise to forfeiture or the violation of law alleged, and a
26 summary of procedures and procedural rights applicable to

1 the forfeiture action.

2 (3) (A) Any person claiming an interest in property
3 which is the subject of notice under paragraph (1) of this
4 subsection (k), must, in order to preserve any rights or
5 claims to the property, within 45 days after the effective
6 date of notice as described in subsection (i) of this
7 Section, file a verified claim with the State's Attorney
8 expressing his or her interest in the property. The claim
9 must set forth:

10 (i) the caption of the proceedings as set forth on
11 the notice of pending forfeiture and the name of the
12 claimant;

13 (ii) the address at which the claimant will accept
14 mail;

15 (iii) the nature and extent of the claimant's
16 interest in the property;

17 (iv) the date, identity of the transferor, and
18 circumstances of the claimant's acquisition of the
19 interest in the property;

20 (v) the name and address of all other persons known
21 to have an interest in the property;

22 (vi) the specific provision of law relied on in
23 asserting the property is not subject to forfeiture;

24 (vii) all essential facts supporting each
25 assertion; and

26 (viii) the relief sought.

1 (B) If a claimant files the claim and deposits with the
2 State's Attorney a cost bond, in the form of a cashier's
3 check payable to the clerk of the court, in the sum of 10%
4 of the reasonable value of the property as alleged by the
5 State's Attorney or the sum of \$100, whichever is greater,
6 upon condition that, in the case of forfeiture, the
7 claimant must pay all costs and expenses of forfeiture
8 proceedings, then the State's Attorney shall institute
9 judicial in rem forfeiture proceedings and deposit the cost
10 bond with the clerk of the court as described in subsection
11 (1) of this Section within 45 days after receipt of the
12 claim and cost bond. In lieu of a cost bond, a person
13 claiming interest in the seized property may file, under
14 penalty of perjury, an indigency affidavit which has been
15 approved by a circuit court judge.

16 (C) If none of the seized property is forfeited in the
17 judicial in rem proceeding, the clerk of the court shall
18 return to the claimant, unless the court orders otherwise,
19 90% of the sum which has been deposited and shall retain as
20 costs 10% of the money deposited. If any of the seized
21 property is forfeited under the judicial forfeiture
22 proceeding, the clerk of the court shall transfer 90% of
23 the sum which has been deposited to the State's Attorney
24 prosecuting the civil forfeiture to be applied to the costs
25 of prosecution and the clerk shall retain as costs 10% of
26 the sum deposited.

1 (4) If no claim is filed or bond given within the 45
2 day period as described in paragraph (3) of this subsection
3 (k), the State's Attorney shall declare the property
4 forfeited and shall promptly notify the owner and all known
5 interest holders of the property and the Director of State
6 Police of the declaration of forfeiture and the Director
7 shall dispose of the property in accordance with law.

8 (1) Judicial in rem procedures. If property seized under
9 the provisions of this Article is non-real property that
10 exceeds \$20,000 in value excluding the value of any conveyance,
11 or is real property, or a claimant has filed a claim and a cost
12 bond under paragraph (3) of subsection (k) of this Section, the
13 following judicial in rem procedures shall apply:

14 (1) If, after a review of the facts surrounding the
15 seizure, the State's Attorney is of the opinion that the
16 seized property is subject to forfeiture, then within 45
17 days of the receipt of notice of seizure by the seizing
18 agency or the filing of the claim and cost bond, whichever
19 is later, the State's Attorney shall institute judicial
20 forfeiture proceedings by filing a verified complaint for
21 forfeiture and, if the claimant has filed a claim and cost
22 bond, by depositing the cost bond with the clerk of the
23 court. When authorized by law, a forfeiture must be ordered
24 by a court on an action in rem brought by a State's
25 Attorney under a verified complaint for forfeiture.

26 (2) During the probable cause portion of the judicial

1 in rem proceeding wherein the State presents its
2 case-in-chief, the court must receive and consider, among
3 other things, all relevant hearsay evidence and
4 information. The laws of evidence relating to civil actions
5 apply to all other portions of the judicial in rem
6 proceeding.

7 (3) Only an owner of or interest holder in the property
8 may file an answer asserting a claim against the property
9 in the action in rem. For purposes of this Section, the
10 owner or interest holder shall be referred to as claimant.
11 Upon motion of the State, the court shall first hold a
12 hearing, wherein any claimant must establish by a
13 preponderance of the evidence, that he or she has a lawful,
14 legitimate ownership interest in the property and that it
15 was obtained through a lawful source.

16 (4) The answer must be signed by the owner or interest
17 holder under penalty of perjury and must set forth:

18 (A) the caption of the proceedings as set forth on
19 the notice of pending forfeiture and the name of the
20 claimant;

21 (B) the address at which the claimant will accept
22 mail;

23 (C) the nature and extent of the claimant's
24 interest in the property;

25 (D) the date, identity of transferor, and
26 circumstances of the claimant's acquisition of the

1 interest in the property;

2 (E) the name and address of all other persons known
3 to have an interest in the property;

4 (F) all essential facts supporting each assertion;
5 and

6 (G) the precise relief sought.

7 (5) The answer must be filed with the court within 45
8 days after service of the civil in rem complaint.

9 (6) The hearing must be held within 60 days after
10 filing of the answer unless continued for good cause.

11 (7) The State shall show the existence of probable
12 cause for forfeiture of the property. If the State shows
13 probable cause, the claimant has the burden of showing by a
14 preponderance of the evidence that the claimant's interest
15 in the property is not subject to forfeiture.

16 (8) If the State does not show existence of probable
17 cause, the court shall order the interest in the property
18 returned or conveyed to the claimant and shall order all
19 other property forfeited to the State. If the State does
20 show existence of probable cause, the court shall order all
21 property forfeited to the State.

22 (9) A defendant convicted in any criminal proceeding is
23 precluded from later denying the essential allegations of
24 the criminal offense of which the defendant was convicted
25 in any proceeding under this Article regardless of the
26 pendency of an appeal from that conviction. However,

1 evidence of the pendency of an appeal is admissible.

2 (10) An acquittal or dismissal in a criminal proceeding
3 does not preclude civil proceedings under this Article;
4 however, for good cause shown, on a motion by the State's
5 Attorney, the court may stay civil forfeiture proceedings
6 during the criminal trial for a related criminal indictment
7 or information alleging a money laundering violation. Such
8 a stay shall not be available pending an appeal. Property
9 subject to forfeiture under this Article shall not be
10 subject to return or release by a court exercising
11 jurisdiction over a criminal case involving the seizure of
12 such property unless such return or release is consented to
13 by the State's Attorney.

14 (11) All property declared forfeited under this
15 Article vests in this State on the commission of the
16 conduct giving rise to forfeiture together with the
17 proceeds of the property after that time. Any such property
18 or proceeds subsequently transferred to any person remain
19 subject to forfeiture and thereafter shall be ordered
20 forfeited.

21 (12) A civil action under this Article must be
22 commenced within 5 years after the last conduct giving rise
23 to forfeiture became known or should have become known or 5
24 years after the forfeitable property is discovered,
25 whichever is later, excluding any time during which either
26 the property or claimant is out of the State or in

1 confinement or during which criminal proceedings relating
2 to the same conduct are in progress.

3 (m) Stay of time periods. If property is seized for
4 evidence and for forfeiture, the time periods for instituting
5 judicial and non-judicial forfeiture proceedings shall not
6 begin until the property is no longer necessary for evidence.

7 (n) Settlement of claims. Notwithstanding other provisions
8 of this Article, the State's Attorney and a claimant of seized
9 property may enter into an agreed-upon settlement concerning
10 the seized property in such an amount and upon such terms as
11 are set out in writing in a settlement agreement.

12 (o) Property constituting attorney fees. Nothing in this
13 Article applies to property which constitutes reasonable bona
14 fide attorney's fees paid to an attorney for services rendered
15 or to be rendered in the forfeiture proceeding or criminal
16 proceeding relating directly thereto where such property was
17 paid before its seizure, before the issuance of any seizure
18 warrant or court order prohibiting transfer of the property and
19 where the attorney, at the time he or she received the property
20 did not know that it was property subject to forfeiture under
21 this Article.

22 (p) Construction. It is the intent of the General Assembly
23 that the forfeiture provisions of this Article be liberally
24 construed so as to effect their remedial purpose. The
25 forfeiture of property and other remedies hereunder shall be
26 considered to be in addition to, and not exclusive of, any

1 sentence or other remedy provided by law.

2 (q) Judicial review. If property has been declared
3 forfeited under subsection (k) of this Section, any person who
4 has an interest in the property declared forfeited may, within
5 30 days after the effective date of the notice of the
6 declaration of forfeiture, file a claim and cost bond as
7 described in paragraph (3) of subsection (k) of this Section.
8 If a claim and cost bond is filed under this Section, then the
9 procedures described in subsection (l) of this Section apply.

10 (r) Burden of proof of exemption or exception. It is not
11 necessary for the State to negate any exemption or exception in
12 this Article in any complaint, information, indictment or other
13 pleading or in any trial, hearing, or other proceeding under
14 this Article. The burden of proof of any exemption or exception
15 is upon the person claiming it.

16 (s) Review of administrative decisions. All administrative
17 findings, rulings, final determinations, findings, and
18 conclusions of the State's Attorney's Office under this Article
19 are final and conclusive decisions of the matters involved. Any
20 person aggrieved by the decision may obtain review of the
21 decision pursuant to the provisions of the Administrative
22 Review Law and the rules adopted pursuant to that Law. Pending
23 final decision on such review, the administrative acts, orders,
24 and rulings of the State's Attorney's Office remain in full
25 force and effect unless modified or suspended by order of court
26 pending final judicial decision. Pending final decision on such

1 review, the acts, orders, and rulings of the State's Attorney's
2 Office remain in full force and effect, unless stayed by order
3 of court. However, no stay of any decision of the
4 administrative agency shall issue unless the person aggrieved
5 by the decision establishes by a preponderance of the evidence
6 that good cause exists for the stay. In determining good cause,
7 the court shall find that the aggrieved party has established a
8 substantial likelihood of prevailing on the merits and that
9 granting the stay will not have an injurious effect on the
10 general public.

11 (Source: P.A. 93-520, eff. 8-6-03; 94-364, eff. 7-29-05;
12 94-556, eff. 9-11-05; 94-955, eff. 6-27-06.)

13 (720 ILCS 5/29D-14.9) (was 720 ILCS 5/29D-30)

14 Sec. 29D-14.9 ~~29D-30~~. Terrorism.

15 (a) A person commits the offense ~~is guilty~~ of terrorism
16 when, with the intent to intimidate or coerce a significant
17 portion of a civilian population:

18 (1) he or she knowingly commits a terrorist act as
19 defined in Section 29D-10(1) of this Code within this
20 State; or

21 (2) he or she, while outside this State, knowingly
22 commits a terrorist act as defined in Section 29D-10(1) of
23 this Code that takes effect within this State or produces
24 substantial detrimental effects within this State.

25 (b) Sentence. Terrorism is a Class X felony. If no deaths

1 are caused by the terrorist act, the sentence shall be a term
2 of 20 years to natural life imprisonment; ~~however,~~ if the
3 terrorist act caused the death of one or more persons, however,
4 a mandatory term of natural life imprisonment shall be the
5 sentence if ~~in the event~~ the death penalty is not imposed.

6 (Source: P.A. 92-854, eff. 12-5-02.)

7 (720 ILCS 5/29D-15.1) (was 720 ILCS 5/20.5-5)

8 Sec. 29D-15.1 ~~20.5-5~~. Causing a catastrophe.

9 (a) A person commits the offense of causing a catastrophe
10 if he or she knowingly causes a catastrophe by explosion, fire,
11 flood, collapse of a building, or release of poison,
12 radioactive material, bacteria, virus, or other dangerous and
13 difficult to confine force or substance.

14 (b) As used in this Section, "catastrophe" means serious
15 physical injury to 5 or more persons, or ~~or~~ substantial damage to
16 5 or more buildings or inhabitable structures, or substantial
17 damage to a vital public facility that seriously impairs its
18 usefulness or operation; and "vital public facility" means a
19 facility that is necessary to ensure or protect the public
20 health, safety, or welfare, including, but not limited to, a
21 hospital, a law enforcement agency, a fire department, a
22 private or public utility company, a national defense
23 contractor, a facility of the armed forces, or an emergency
24 services agency.

25 (c) Sentence. Causing a catastrophe is a Class X felony.

1 (Source: P.A. 90-669, eff. 7-31-98.)

2 (720 ILCS 5/29D-15.2) (was 720 ILCS 5/20.5-6)

3 Sec. 29D-15.2 ~~20.5-6~~. Possession of a deadly substance.

4 (a) A person commits the offense of possession of a deadly
5 substance when he or she possesses, manufactures, l or transports
6 any poisonous gas, deadly biological or chemical contaminant or
7 agent, or radioactive substance either with the intent to use
8 that ~~such~~ gas, biological or chemical contaminant or agent, or
9 radioactive substance to commit a felony or with the knowledge
10 that another person intends to use that ~~such~~ gas, biological or
11 chemical contaminant or agent, or radioactive substance to
12 commit a felony.

13 (b) Sentence. Possession of a deadly substance is a Class 1
14 felony for which a person, if sentenced to a term of
15 imprisonment, shall be sentenced to a term of not less than 4
16 years and not more than 30 years.

17 (Source: P.A. 91-121, eff. 7-15-99.)

18 (720 ILCS 5/29D-25)

19 Sec. 29D-25. Falsely making a terrorist threat.

20 (a) A person commits the offense ~~is guilty~~ of falsely
21 making a terrorist threat when in any manner he or she
22 knowingly makes a threat to commit or cause to be committed a
23 terrorist act as defined in Section 29D-10(1) or otherwise
24 knowingly creates the impression or belief that a terrorist act

1 is about to be or has been committed, or in any manner
2 knowingly makes a threat to commit or cause to be committed a
3 catastrophe as defined in Section 29D-15.1 ~~20.5-5~~ (720 ILCS
4 5/29D-15.1 ~~5/20.5-5~~) of this Code that ~~which~~ he or she knows is
5 false.

6 (b) Sentence. Falsely making a terrorist threat is a Class
7 1 felony.

8 (Source: P.A. 92-854, eff. 12-5-02.)

9 (720 ILCS 5/29D-29.9) (was 720 ILCS 5/29D-15)

10 Sec. 29D-29.9 ~~29D-15~~. Material ~~Soliciting material~~ support
11 for terrorism; ~~providing material support for a terrorist act.~~

12 (a) A person commits the offense ~~is guilty~~ of soliciting or
13 providing material support for terrorism if he or she knowingly
14 raises, solicits, ~~or~~ collects, or provides material support or
15 resources knowing that the material support or resources will
16 be used, in whole or in part, to plan, prepare, carry out,
17 facilitate, or avoid apprehension for committing terrorism as
18 defined in Section 29D-14.9 (720 ILCS 5/29D-14.9) ~~29D-30~~ or
19 causing a catastrophe as defined in Section 29D-15.1 ~~20.5-5~~
20 (720 ILCS 5/29D-15.1 ~~5/20.5-5~~) of this Code, or who knows and
21 intends that the material support or resources so raised,
22 solicited, ~~or~~ collected, or provided will be used in the
23 commission of a terrorist act as defined in Section 29D-10(1)
24 of this Code by an organization designated under 8 U.S.C. 1189,
25 as amended. It is not an element of the offense that the

1 defendant actually knows that an organization has been
2 designated under 8 U.S.C. 1189, as amended.

3 ~~(b) A person is guilty of providing material support for~~
4 ~~terrorism if he or she knowingly provides material support or~~
5 ~~resources to a person knowing that the person will use that~~
6 ~~support or those resources in whole or in part to plan,~~
7 ~~prepare, carry out, facilitate, or to avoid apprehension for~~
8 ~~committing terrorism as defined in Section 29D-30 or to cause a~~
9 ~~catastrophe as defined in Section 20.5-5 (720 ILCS 5/20.5-5) of~~
10 ~~this Code.~~

11 (b) (e) Sentence. Soliciting or providing material support
12 for terrorism is a Class X felony for which the sentence shall
13 be a term of imprisonment of no less than 9 years and no more
14 than 40 years. ~~Providing material support for a terrorist act~~
15 ~~is a Class X felony for which the sentence shall be a term of~~
16 ~~imprisonment of no less than 9 years and no more than 40 years.~~

17 (Source: P.A. 92-854, eff. 12-5-02.)

18 (720 ILCS 5/29D-35)

19 Sec. 29D-35. Hindering prosecution of terrorism.

20 (a) A person commits the offense ~~is guilty~~ of hindering
21 prosecution of terrorism when he or she renders criminal
22 assistance to a person who has committed terrorism as defined
23 in Section 29D-14.9 ~~29D-30~~ or caused a catastrophe⁷ as defined
24 in Section 29D-15.1 ~~20.5-5~~ of this Code when he or she knows
25 that the person to whom he or she rendered criminal assistance

1 engaged in an act of terrorism or caused a catastrophe.

2 (b) Hindering prosecution of terrorism is a Class X felony,
3 the sentence for which shall be a term of 20 years to natural
4 life imprisonment if no death was caused by the act of
5 terrorism committed by the person to whom the defendant
6 rendered criminal assistance and a mandatory term of natural
7 life imprisonment if death was caused by the act of terrorism
8 committed by the person to whom the defendant rendered criminal
9 assistance.

10 (Source: P.A. 92-854, eff. 12-5-02.)

11 (720 ILCS 5/29D-35.1 new)

12 Sec. 29D-35.1. Boarding or attempting to board an aircraft
13 with weapon.

14 (a) It is unlawful for any person to board or attempt to
15 board any commercial or charter aircraft, knowingly having in
16 his or her possession any firearm, explosive of any type, or
17 other lethal or dangerous weapon.

18 (b) This Section does not apply to any person authorized by
19 either the federal government or any state government to carry
20 firearms, but the person so exempted from the provisions of
21 this Section shall notify the commander of any aircraft he or
22 she is about to board that he or she does possess a firearm and
23 show identification satisfactory to the aircraft commander
24 that he or she is authorized to carry that firearm.

25 (c) Any person purchasing a ticket to board any commercial

1 or charter aircraft shall by that purchase consent to a search
2 of his or her person or personal belongings by the company
3 selling the ticket to him or her. The person may refuse to
4 submit to a search of his or her person or personal belongings
5 by the aircraft company, but the person refusing may be denied
6 the right to board the commercial or charter aircraft at the
7 discretion of the carrier. Such a refusal creates no inference
8 of unlawful conduct.

9 (d) Any evidence of criminal activity found during a search
10 made pursuant to this Section shall be admissible in legal
11 proceedings for the sole purpose of supporting a charge of
12 violation of this Section and is inadmissible as evidence in
13 any legal proceeding for any other purpose, except in the
14 prosecution of offenses related to weapons as set out in
15 Article 24 of this Code.

16 (e) No action may be brought against any commercial or
17 charter airline company operating in this State for the refusal
18 of that company to permit a person to board any aircraft if
19 that person refused to be searched as set out in subsection (c)
20 of this Section.

21 (f) Violation of this Section is a Class 4 felony.

22 (720 ILCS 5/36-1) (from Ch. 38, par. 36-1)

23 Sec. 36-1. Seizure. Any vessel, vehicle or aircraft used
24 with the knowledge and consent of the owner in the commission
25 of, or in the attempt to commit as defined in Section 8-4 of

1 this Code, an offense prohibited by (a) Section 9-1, 9-3, 10-2,
2 11-6, 11-15.1, 11-19.1, 11-19.2, 11-20.1, 12-4.1, 12-4.2,
3 12-4.2-5, 12-4.3, 12-4.6, 12-7.3, 12-7.4, 12-13, 12-14, 18-2,
4 19-1, 19-2, 19-3, 20-1, 20-2, 29D-15.2 ~~20-5-6~~, 24-1.2,
5 24-1.2-5, 24-1.5, or 28-1 of this Code, paragraph (a) of
6 Section 12-4 of this Code, paragraph (a) of Section 12-15 or
7 paragraphs (a), (c) or (d) of Section 12-16 of this Code, or
8 paragraph (a)(6) or (a)(7) of Section 24-1 of this Code; (b)
9 Section 21, 22, 23, 24 or 26 of the Cigarette Tax Act if the
10 vessel, vehicle or aircraft contains more than 10 cartons of
11 such cigarettes; (c) Section 28, 29 or 30 of the Cigarette Use
12 Tax Act if the vessel, vehicle or aircraft contains more than
13 10 cartons of such cigarettes; (d) Section 44 of the
14 Environmental Protection Act; (e) 11-204.1 of the Illinois
15 Vehicle Code; (f) the offenses described in the following
16 provisions of the Illinois Vehicle Code: Section 11-501
17 subdivisions (c-1)(1), (c-1)(2), (c-1)(3), (d)(1)(A),
18 (d)(1)(D), (d)(1)(G), or (d)(1)(H); (g) an offense described in
19 subsection (g) of Section 6-303 of the Illinois Vehicle Code;
20 or (h) an offense described in subsection (e) of Section 6-101
21 of the Illinois Vehicle Code; may be seized and delivered
22 forthwith to the sheriff of the county of seizure.

23 Within 15 days after such delivery the sheriff shall give
24 notice of seizure to each person according to the following
25 method: Upon each such person whose right, title or interest is
26 of record in the office of the Secretary of State, the

1 Secretary of Transportation, the Administrator of the Federal
2 Aviation Agency, or any other Department of this State, or any
3 other state of the United States if such vessel, vehicle or
4 aircraft is required to be so registered, as the case may be,
5 by mailing a copy of the notice by certified mail to the
6 address as given upon the records of the Secretary of State,
7 the Department of Aeronautics, Department of Public Works and
8 Buildings or any other Department of this State or the United
9 States if such vessel, vehicle or aircraft is required to be so
10 registered. Within that 15 day period the sheriff shall also
11 notify the State's Attorney of the county of seizure about the
12 seizure.

13 In addition, any mobile or portable equipment used in the
14 commission of an act which is in violation of Section 7g of the
15 Metropolitan Water Reclamation District Act shall be subject to
16 seizure and forfeiture under the same procedures provided in
17 this Article for the seizure and forfeiture of vessels,
18 vehicles and aircraft, and any such equipment shall be deemed a
19 vessel, vehicle or aircraft for purposes of this Article.

20 When a person discharges a firearm at another individual
21 from a vehicle with the knowledge and consent of the owner of
22 the vehicle and with the intent to cause death or great bodily
23 harm to that individual and as a result causes death or great
24 bodily harm to that individual, the vehicle shall be subject to
25 seizure and forfeiture under the same procedures provided in
26 this Article for the seizure and forfeiture of vehicles used in

1 violations of clauses (a), (b), (c), or (d) of this Section.

2 If the spouse of the owner of a vehicle seized for an
3 offense described in subsection (g) of Section 6-303 of the
4 Illinois Vehicle Code, a violation of subdivision (c-1)(1),
5 (c-1)(2), (c-1)(3), (d)(1)(A), or (d)(1)(D) of Section 11-501
6 of the Illinois Vehicle Code, or Section 9-3 of this Code makes
7 a showing that the seized vehicle is the only source of
8 transportation and it is determined that the financial hardship
9 to the family as a result of the seizure outweighs the benefit
10 to the State from the seizure, the vehicle may be forfeited to
11 the spouse or family member and the title to the vehicle shall
12 be transferred to the spouse or family member who is properly
13 licensed and who requires the use of the vehicle for employment
14 or family transportation purposes. A written declaration of
15 forfeiture of a vehicle under this Section shall be sufficient
16 cause for the title to be transferred to the spouse or family
17 member. The provisions of this paragraph shall apply only to
18 one forfeiture per vehicle. If the vehicle is the subject of a
19 subsequent forfeiture proceeding by virtue of a subsequent
20 conviction of either spouse or the family member, the spouse or
21 family member to whom the vehicle was forfeited under the first
22 forfeiture proceeding may not utilize the provisions of this
23 paragraph in another forfeiture proceeding. If the owner of the
24 vehicle seized owns more than one vehicle, the procedure set
25 out in this paragraph may be used for only one vehicle.

26 Property declared contraband under Section 40 of the

1 Illinois Streetgang Terrorism Omnibus Prevention Act may be
2 seized and forfeited under this Article.

3 (Source: P.A. 93-187, eff. 7-11-03; 94-329, eff. 1-1-06;
4 94-1017, eff. 7-7-06.)

5 (720 ILCS 5/8-1.1 rep.)

6 (720 ILCS 5/Art. 10A rep.)

7 (720 ILCS 5/42-1 rep.)

8 (720 ILCS 5/42-2 rep.)

9 Section 30. The Criminal Code of 1961 is amended by
10 repealing Sections 8-1.1, 42-1, and 42-2 and by repealing
11 Article 10A.

12 (720 ILCS 545/Act rep.)

13 Section 35. The Boarding Aircraft With Weapon Act is
14 repealed.

15 Section 40. The Code of Criminal Procedure of 1963 is
16 amended by changing Sections 108B-3 and 115-10 as follows:

17 (725 ILCS 5/108B-3) (from Ch. 38, par. 108B-3)

18 Sec. 108B-3. Authorization for the interception of private
19 communication.

20 (a) The State's Attorney, or a person designated in writing
21 or by law to act for him and to perform his duties during his
22 absence or disability, may authorize, in writing, an ex parte

1 application to the chief judge of a court of competent
2 jurisdiction for an order authorizing the interception of a
3 private communication when no party has consented to the
4 interception and (i) the interception may provide evidence of,
5 or may assist in the apprehension of a person who has
6 committed, is committing or is about to commit, a violation of
7 Section 8-1(b) ~~8-1.1~~ (solicitation of murder), 8-1.2
8 (solicitation of murder for hire), 9-1 (first degree murder),
9 or 29B-1 (money laundering) of the Criminal Code of 1961,
10 Section 401, 401.1 (controlled substance trafficking), 405,
11 405.1 (criminal drug conspiracy) or 407 of the Illinois
12 Controlled Substances Act or any Section of the Methamphetamine
13 Control and Community Protection Act, a violation of Section
14 24-2.1, 24-2.2, 24-3, 24-3.1, 24-3.3, 24-3.4, 24-4, or 24-5 or
15 subsection 24-1(a)(4), 24-1(a)(6), 24-1(a)(7), 24-1(a)(9),
16 24-1(a)(10), or 24-1(c) of the Criminal Code of 1961 or
17 conspiracy to commit money laundering or conspiracy to commit
18 first degree murder; (ii) in response to a clear and present
19 danger of imminent death or great bodily harm to persons
20 resulting from: (1) a kidnapping or the holding of a hostage by
21 force or the threat of the imminent use of force; or (2) the
22 occupation by force or the threat of the imminent use of force
23 of any premises, place, vehicle, vessel or aircraft; (iii) to
24 aid an investigation or prosecution of a civil action brought
25 under the Illinois Streetgang Terrorism Omnibus Prevention Act
26 when there is probable cause to believe the interception of the

1 private communication will provide evidence that a streetgang
2 is committing, has committed, or will commit a second or
3 subsequent gang-related offense or that the interception of the
4 private communication will aid in the collection of a judgment
5 entered under that Act; or (iv) upon information and belief
6 that a streetgang has committed, is committing, or is about to
7 commit a felony.

8 (b) The State's Attorney or a person designated in writing
9 or by law to act for the State's Attorney and to perform his or
10 her duties during his or her absence or disability, may
11 authorize, in writing, an ex parte application to the chief
12 judge of a circuit court for an order authorizing the
13 interception of a private communication when no party has
14 consented to the interception and the interception may provide
15 evidence of, or may assist in the apprehension of a person who
16 has committed, is committing or is about to commit, a violation
17 of an offense under Article 29D of the Criminal Code of 1961.

18 (b-1) Subsection (b) is inoperative on and after January 1,
19 2005.

20 (b-2) No conversations recorded or monitored pursuant to
21 subsection (b) shall be made inadmissible in a court of law by
22 virtue of subsection (b-1).

23 (c) As used in this Section, "streetgang" and
24 "gang-related" have the meanings ascribed to them in Section 10
25 of the Illinois Streetgang Terrorism Omnibus Prevention Act.

26 (Source: P.A. 94-468, eff. 8-4-05; 94-556, eff. 9-11-05;

1 95-331, eff. 8-21-07.)

2 (725 ILCS 5/115-10) (from Ch. 38, par. 115-10)

3 Sec. 115-10. Certain hearsay exceptions.

4 (a) In a prosecution for a physical or sexual act
5 perpetrated upon or against a child under the age of 13, or a
6 person who was a moderately, severely, or profoundly mentally
7 retarded person as defined in this Code and in Section 2-10.1
8 of the Criminal Code of 1961 at the time the act was committed,
9 including but not limited to prosecutions for violations of
10 Sections 12-13 through 12-16 of the Criminal Code of 1961 and
11 prosecutions for violations of Sections 10-1 (kidnapping),
12 10-2 (aggravated kidnapping), 10-3 (unlawful restraint),
13 10-3.1 (aggravated unlawful restraint), 10-4 (forcible
14 detention), 10-5 (child abduction), 10-6 (harboring a
15 runaway), 10-7 (aiding or ~~and~~ abetting child abduction), 11-9
16 (public indecency), 11-11 (sexual relations within families),
17 11-21 (harmful material), 12-1 (assault), 12-2 (aggravated
18 assault), 12-3 (battery), 12-3.2 (domestic battery), 12-4
19 (aggravated battery), 12-4.1 (heinous battery), 12-4.2
20 (aggravated battery with a firearm), 12-4.3 (aggravated
21 battery of a child), 12-4.7 (drug induced infliction of great
22 bodily harm), 12-5 (reckless conduct), 12-6 (intimidation),
23 12-6.1 (compelling organization membership of persons), 12-7.1
24 (hate crime), 12-7.3 (stalking), 12-7.4 (aggravated stalking),
25 12-10 (tattooing body of minor), 12-11 (home invasion), 12-21.5

1 (child abandonment), 12-21.6 (endangering the life or health of
2 a child) or 12-32 (ritual mutilation) of the Criminal Code of
3 1961 or any sex offense as defined in subsection (B) of Section
4 2 of the Sex Offender Registration Act, the following evidence
5 shall be admitted as an exception to the hearsay rule:

6 (1) testimony by the victim of an out of court
7 statement made by the victim that he or she complained of
8 such act to another; and

9 (2) testimony of an out of court statement made by the
10 victim describing any complaint of such act or matter or
11 detail pertaining to any act which is an element of an
12 offense which is the subject of a prosecution for a sexual
13 or physical act against that victim.

14 (b) Such testimony shall only be admitted if:

15 (1) The court finds in a hearing conducted outside the
16 presence of the jury that the time, content, and
17 circumstances of the statement provide sufficient
18 safeguards of reliability; and

19 (2) The child or moderately, severely, or profoundly
20 mentally retarded person either:

21 (A) testifies at the proceeding; or

22 (B) is unavailable as a witness and there is
23 corroborative evidence of the act which is the subject
24 of the statement; and

25 (3) In a case involving an offense perpetrated against

1 a child under the age of 13, the out of court statement was
2 made before the victim attained 13 years of age or within 3
3 months after the commission of the offense, whichever
4 occurs later, but the statement may be admitted regardless
5 of the age of the victim at the time of the proceeding.

6 (c) If a statement is admitted pursuant to this Section,
7 the court shall instruct the jury that it is for the jury to
8 determine the weight and credibility to be given the statement
9 and that, in making the determination, it shall consider the
10 age and maturity of the child, or the intellectual capabilities
11 of the moderately, severely, or profoundly mentally retarded
12 person, the nature of the statement, the circumstances under
13 which the statement was made, and any other relevant factor.

14 (d) The proponent of the statement shall give the adverse
15 party reasonable notice of his intention to offer the statement
16 and the particulars of the statement.

17 (e) Statements described in paragraphs (1) and (2) of
18 subsection (a) shall not be excluded on the basis that they
19 were obtained as a result of interviews conducted pursuant to a
20 protocol adopted by a Child Advocacy Advisory Board as set
21 forth in subsections (c), (d), and (e) of Section 3 of the
22 Children's Advocacy Center Act or that an interviewer or
23 witness to the interview was or is an employee, agent, or
24 investigator of a State's Attorney's office.

25 (Source: P.A. 95-892, eff. 1-1-09.)

1 Section 45. The Unified Code of Corrections is amended by
2 changing Section 3-1-2 as follows:

3 (730 ILCS 5/3-1-2) (from Ch. 38, par. 1003-1-2)

4 Sec. 3-1-2. Definitions.

5 (a) "Chief Administrative Officer" means the person
6 designated by the Director to exercise the powers and duties of
7 the Department of Corrections in regard to committed persons
8 within a correctional institution or facility, and includes the
9 superintendent of any juvenile institution or facility.

10 (a-5) "Sex offense" for the purposes of paragraph (16) of
11 subsection (a) of Section 3-3-7, paragraph (10) of subsection
12 (a) of Section 5-6-3, and paragraph (18) of subsection (c) of
13 Section 5-6-3.1 only means:

14 (i) A violation of any of the following Sections of the
15 Criminal Code of 1961: 10-7 (aiding or ~~and~~ abetting child
16 abduction under Section 10-5(b)(10)), 10-5(b)(10) (child
17 luring), 11-6 (indecent solicitation of a child), 11-6.5
18 (indecent solicitation of an adult), 11-15.1 (soliciting
19 for a juvenile prostitute), 11-17.1 (keeping a place of
20 juvenile prostitution), 11-18.1 (patronizing a juvenile
21 prostitute), 11-19.1 (juvenile pimping), 11-19.2
22 (exploitation of a child), 11-20.1 (child pornography),
23 12-14.1 (predatory criminal sexual assault of a child), or
24 12-33 (ritualized abuse of a child). An attempt to commit
25 any of these offenses.

1 (ii) A violation of any of the following Sections of
2 the Criminal Code of 1961: 12-13 (criminal sexual assault),
3 12-14 (aggravated criminal sexual assault), 12-16
4 (aggravated criminal sexual abuse), and subsection (a) of
5 Section 12-15 (criminal sexual abuse). An attempt to commit
6 any of these offenses.

7 (iii) A violation of any of the following Sections of
8 the Criminal Code of 1961 when the defendant is not a
9 parent of the victim:

10 10-1 (kidnapping),

11 10-2 (aggravated kidnapping),

12 10-3 (unlawful restraint),

13 10-3.1 (aggravated unlawful restraint).

14 An attempt to commit any of these offenses.

15 (iv) A violation of any former law of this State
16 substantially equivalent to any offense listed in this
17 subsection (a-5).

18 An offense violating federal law or the law of another
19 state that is substantially equivalent to any offense listed in
20 this subsection (a-5) shall constitute a sex offense for the
21 purpose of this subsection (a-5). A finding or adjudication as
22 a sexually dangerous person under any federal law or law of
23 another state that is substantially equivalent to the Sexually
24 Dangerous Persons Act shall constitute an adjudication for a
25 sex offense for the purposes of this subsection (a-5).

26 (b) "Commitment" means a judicially determined placement

1 in the custody of the Department of Corrections on the basis of
2 delinquency or conviction.

3 (c) "Committed Person" is a person committed to the
4 Department, however a committed person shall not be considered
5 to be an employee of the Department of Corrections for any
6 purpose, including eligibility for a pension, benefits, or any
7 other compensation or rights or privileges which may be
8 provided to employees of the Department.

9 (d) "Correctional Institution or Facility" means any
10 building or part of a building where committed persons are kept
11 in a secured manner.

12 (e) In the case of functions performed before the effective
13 date of this amendatory Act of the 94th General Assembly,
14 "Department" means the Department of Corrections of this State.
15 In the case of functions performed on or after the effective
16 date of this amendatory Act of the 94th General Assembly,
17 "Department" has the meaning ascribed to it in subsection
18 (f-5).

19 (f) In the case of functions performed before the effective
20 date of this amendatory Act of the 94th General Assembly,
21 "Director" means the Director of the Department of Corrections.
22 In the case of functions performed on or after the effective
23 date of this amendatory Act of the 94th General Assembly,
24 "Director" has the meaning ascribed to it in subsection (f-5).

25 (f-5) In the case of functions performed on or after the
26 effective date of this amendatory Act of the 94th General

1 Assembly, references to "Department" or "Director" refer to
2 either the Department of Corrections or the Director of
3 Corrections or to the Department of Juvenile Justice or the
4 Director of Juvenile Justice unless the context is specific to
5 the Department of Juvenile Justice or the Director of Juvenile
6 Justice.

7 (g) "Discharge" means the final termination of a commitment
8 to the Department of Corrections.

9 (h) "Discipline" means the rules and regulations for the
10 maintenance of order and the protection of persons and property
11 within the institutions and facilities of the Department and
12 their enforcement.

13 (i) "Escape" means the intentional and unauthorized
14 absence of a committed person from the custody of the
15 Department.

16 (j) "Furlough" means an authorized leave of absence from
17 the Department of Corrections for a designated purpose and
18 period of time.

19 (k) "Parole" means the conditional and revocable release of
20 a committed person under the supervision of a parole officer.

21 (l) "Prisoner Review Board" means the Board established in
22 Section 3-3-1(a), independent of the Department, to review
23 rules and regulations with respect to good time credits, to
24 hear charges brought by the Department against certain
25 prisoners alleged to have violated Department rules with
26 respect to good time credits, to set release dates for certain

1 prisoners sentenced under the law in effect prior to the
2 effective date of this Amendatory Act of 1977, to hear requests
3 and make recommendations to the Governor with respect to
4 pardon, reprieve or commutation, to set conditions for parole
5 and mandatory supervised release and determine whether
6 violations of those conditions justify revocation of parole or
7 release, and to assume all other functions previously exercised
8 by the Illinois Parole and Pardon Board.

9 (m) Whenever medical treatment, service, counseling, or
10 care is referred to in this Unified Code of Corrections, such
11 term may be construed by the Department or Court, within its
12 discretion, to include treatment, service or counseling by a
13 Christian Science practitioner or nursing care appropriate
14 therewith whenever request therefor is made by a person subject
15 to the provisions of this Act.

16 (n) "Victim" shall have the meaning ascribed to it in
17 subsection (a) of Section 3 of the Bill of Rights for Victims
18 and Witnesses of Violent Crime Act.

19 (Source: P.A. 94-159, eff. 7-11-05; 94-696, eff. 6-1-06.)

20 Section 50. The Predator Accountability Act is amended by
21 changing Section 10 as follows:

22 (740 ILCS 128/10)

23 Sec. 10. Definitions. As used in this Act:

24 "Sex trade" means any act, which if proven beyond a

1 reasonable doubt could support a conviction for a violation or
2 attempted violation of any of the following Sections of the
3 Criminal Code of 1961: 11-15 (soliciting for a prostitute);
4 11-15.1 (soliciting for a juvenile prostitute); 11-16
5 (pandering); 11-17 (keeping a place of prostitution); 11-17.1
6 (keeping a place of juvenile prostitution); 11-19 (pimping);
7 11-19.1 (juvenile pimping and aggravated juvenile pimping);
8 11-19.2 (exploitation of a child); 11-20 (obscenity); or
9 11-20.1 (child pornography); or Section 10-9 ~~Article 10A~~ of the
10 Criminal Code of 1961 (trafficking of persons and involuntary
11 servitude).

12 "Sex trade" activity may involve adults and youth of all
13 genders and sexual orientations.

14 "Victim of the sex trade" means, for the following sex
15 trade acts, the person or persons indicated:

16 (1) soliciting for a prostitute: the prostitute who is
17 the object of the solicitation;

18 (2) soliciting for a juvenile prostitute: the juvenile
19 prostitute, or severely or profoundly mentally retarded
20 person, who is the object of the solicitation;

21 (3) pandering: the person intended or compelled to act
22 as a prostitute;

23 (4) keeping a place of prostitution: any person
24 intended or compelled to act as a prostitute, while present
25 at the place, during the time period in question;

26 (5) keeping a place of juvenile prostitution: any

1 juvenile intended or compelled to act as a prostitute,
2 while present at the place, during the time period in
3 question;

4 (6) pimping: the prostitute from whom anything of value
5 is received;

6 (7) juvenile pimping and aggravated juvenile pimping:
7 the juvenile, or severely or profoundly mentally retarded
8 person, from whom anything of value is received for that
9 person's act of prostitution;

10 (8) exploitation of a child: the juvenile, or severely
11 or profoundly mentally retarded person, intended or
12 compelled to act as a prostitute or from whom anything of
13 value is received for that person's act of prostitution;

14 (9) obscenity: any person who appears in or is
15 described or depicted in the offending conduct or material;

16 (10) child pornography: any child, or severely or
17 profoundly mentally retarded person, who appears in or is
18 described or depicted in the offending conduct or material;

19 or

20 (11) trafficking of persons or involuntary servitude:
21 a "trafficking victim" as defined in Section 10-9 ~~10A-5~~ of
22 the Criminal Code of 1961.

23 (Source: P.A. 94-998, eff. 7-3-06.)

24 Section 95. No acceleration or delay. Where this Act makes
25 changes in a statute that is represented in this Act by text

1 that is not yet or no longer in effect (for example, a Section
2 represented by multiple versions), the use of that text does
3 not accelerate or delay the taking effect of (i) the changes
4 made by this Act or (ii) provisions derived from any other
5 Public Act.

6 Section 99. Effective date. This Act takes effect January
7 1, 2010.